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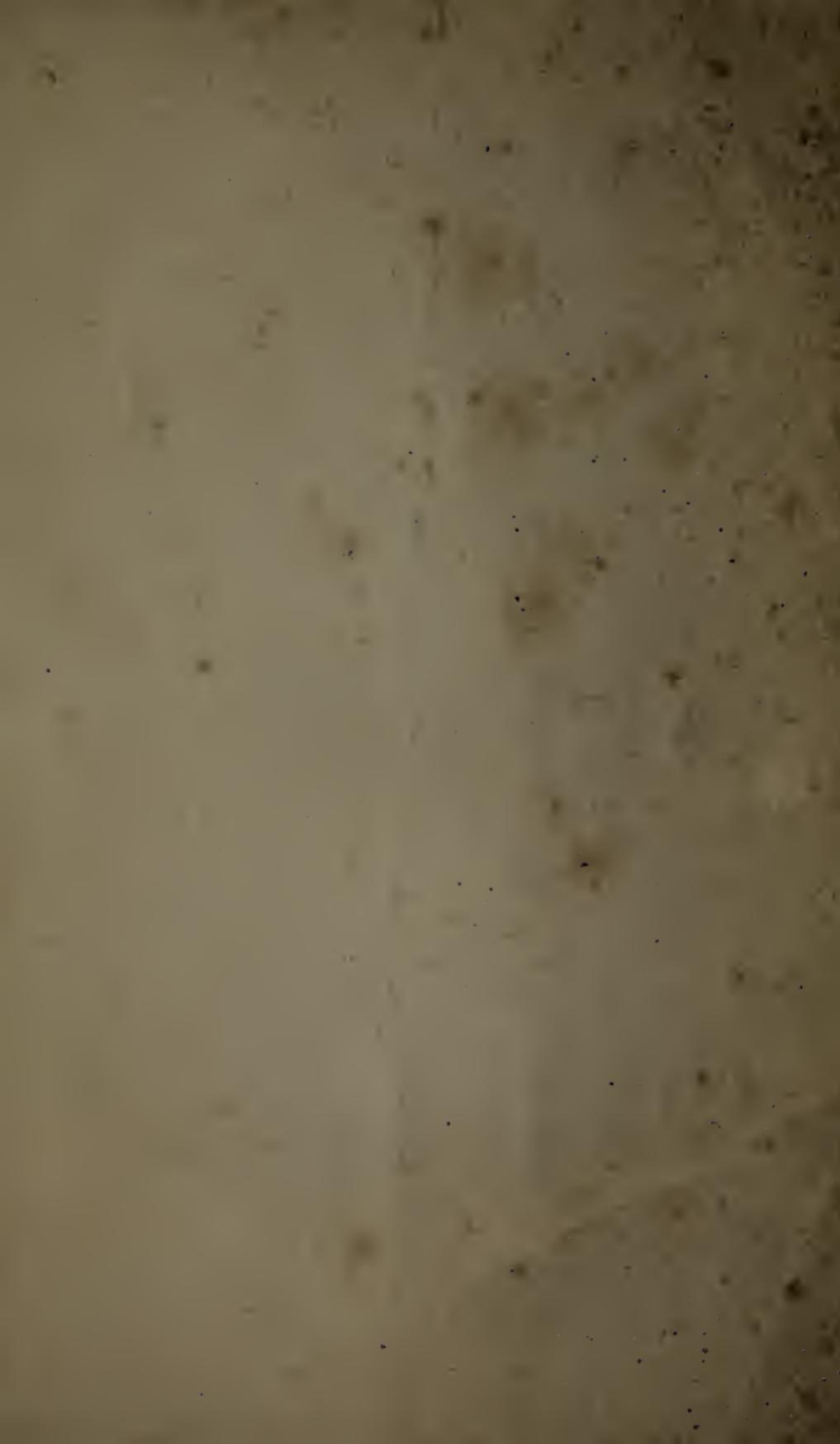
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# THE IRISH BAR SINISTER.

### THE POLITICAL LAWYER.

Behold a portrait ! from the legal set,  
His tongue, his brain, his sordid soul “To Let’ —  
Ready to sell or hire unblushing, shameless,  
Eager for honours, yet of honour aimless—  
His soul revolving in the orbit Self,  
Place his ambition and his idol Pelf.  
Vain as a parrot, slippery as an eel,  
Tricked out in artifice from head to heel ;  
Tinct in all hues, but deeply dyed in black ;  
All things by turns, but yet in all things quack.  
Now as a patriot blatant, all on fire,  
Anon a suppliant for Viceregal hire ;  
Ministers’ devil now—then devil’s minister,  
Each feature see portray’d in this **BAR SINISTER.**

THE IRISH  
BAR SINISTER.

New Edition in Four Chapters.

BY  
MATTHEW STRADLING, *peru*  
(Author of "Cheap John's Auction.")

Mahony, Martin Francis

"Crack the Lawyer's voice,  
That he may never more false title plead,  
Nor sound his quillets shrilly."

*Timon of Athens.*

LONDON:  
SIMPKIN MARSHALL AND CO.

1872

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(LATE R. D. WEBB AND SON.)**

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TO THOSE HAUGHTY DAMES

THE SISTERS

BRITANNIA AND CALEDONIA

THIS COMPLAINT OF

THEIR CELTIC SISTER

CINDERELLA

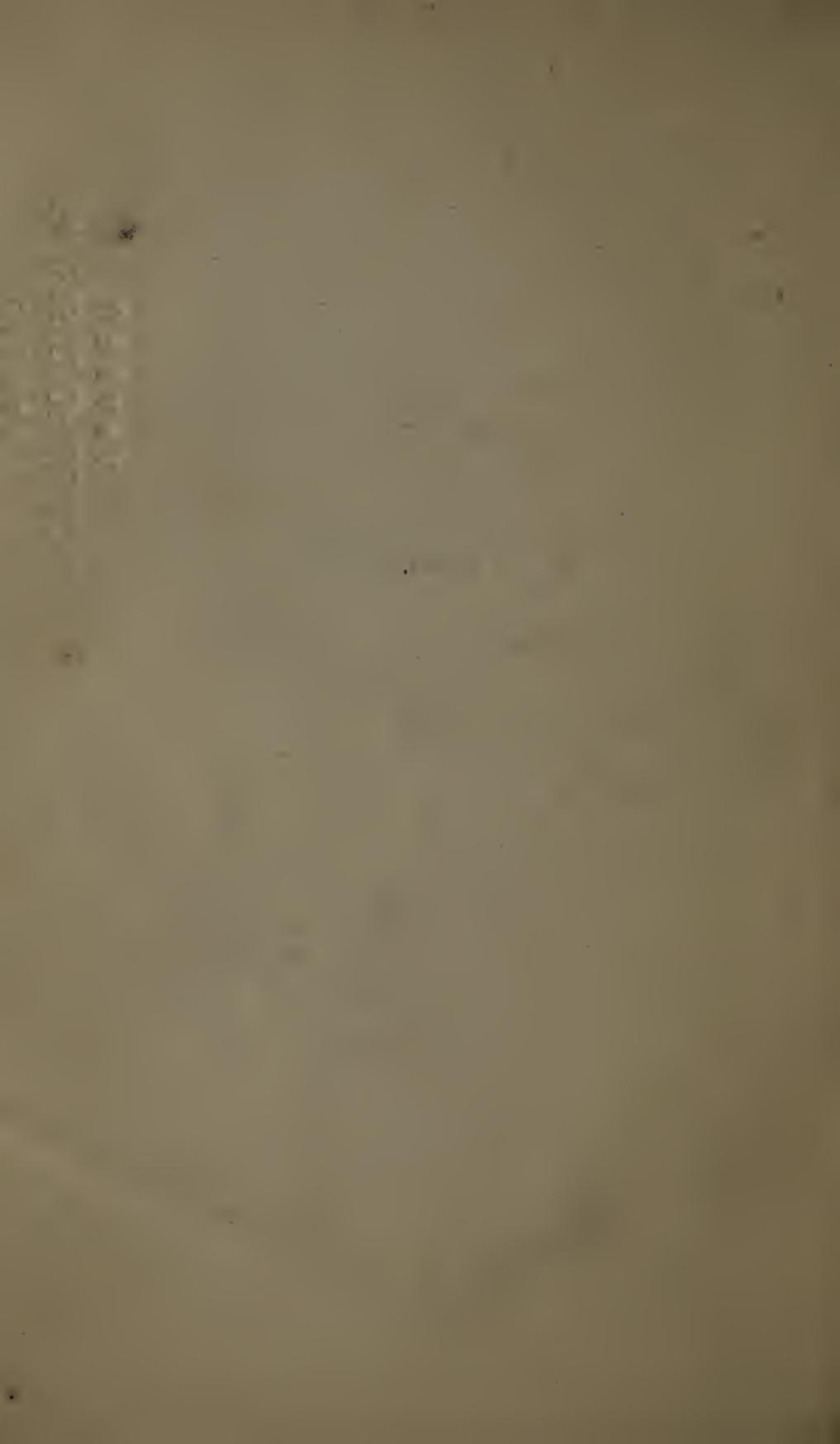
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## CONTENTS.

	Page.
Arma Virumque	I
The Tempter and the Tempted	25
The Temptation	52
The Wave of Peace	110



## ARMA VIRUMQUE.

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“ If any fool is by our satire bit  
Let him hiss loud to show how hard he’s hit.”

*Dean Swift.*

IT was my task to write a preliminary chapter for a new edition of this brochure. The immediate object was to defend *The Bar Sinister* against a false taunt of partizanship which has been freely levelled against its author. Critics said the subject had been conceived in an “anti-liberal” spirit—more distinctly, in a tory temper; that this attack on the Bar was prompted by pique with the present administration, and that its definite object was to cast discredit on that favoured group of “well-placed” gentlemen, who, by the practice of politics in conjunction with the profession of the law, had managed to confer political service on the cabinet of Mr. Gladstone, and to receive themselves excellent requital in the shape of government rewards.

It is true that the persons directly referred to

in the text, are barristers of chiefly one political complexion—that they are all well-affected towards the great and good statesman who continues to rule this country with so much advantage to a section of his personal followers ; but the reason of the directness of reference lies plainly in the nature of the subject-matter itself, and does not spring either from a sinister object or a partisan spirit. The especial aim of this exposure is to indicate the mischief done to the country and to public morality by hypocritical professions of patriotism ; and of a spurious patriotism the leading members of the liberal Bar have unmistakably been the most distinguished as well as most successful professors. To other than “liberal” barristers, “patriotism” did not mean the easiest and readiest method of attaining social as well as legal eminence—it was not the certain leverage by which they might raise themselves to fortune. Therefore they held aloof, and left a monopoly of “the platform and hustings” business to their more fortunate brethren. To say so much is not really to compliment the conservative wing of the profession at the expense of the liberals : patriotism was simply not a ladder for them, and they did not mount thereon : it was not their line ; they deserve no praise for declining to advance in an avenue which had never been opened for them

to enter. It does not follow that they are a whit more sound in politics, or in principles more steadfast, than their tainted brethren of the liberal party ; but the fact remains that either because of this accident, or for some other reason, they have done far less evil to the country than have her Catholic and patriotic sons. There are not the scandals on the conservative side which abound among their learned *vis-à-vis*. You cannot point to such or such a tory law officer, commissioner, or judge, and say, This legal official was a rebel in '48 ; a brass band man, an independent oppositionist in '52 ; a Fenian sympathiser or a nationalist in '68 ; this judge uttered language at a public meeting in tone and effect so outrageous and mischievous that it was brought under notice of parliament—he is now a snug loyalist ; that other is known for nothing so well as for having been a public political perjurer ; all that row, the whole of that family circle which now so comfortably fills the Bench, would never have worn the ermine, if some of its members had not previously worn a mask in politics, or a false face before the country.

In this way I had hoped to dissipate the charge of having unfairly distributed the sarcasms of the text, when the columns of the newspapers suddenly exposed the grave moral

responsibility which had been inadvertently incurred in another direction. It was distinctly stated that I had been not only an unfair tory commentator, but had likewise libelled a liberal, generous, learned, cultured, and patriotic profession in all its attributes : that “in order to sell a shilling pamphlet” its author had not scrupled to strike at the fair fame of the most cherished and honoured institution in the land —the modern Irish Bar—which had neither declined from its pristine virtues in a patriotic sense, nor derogated from its honoured traditions in an intellectual or in a forensic sense.

The following extract from a leader in *The Irish Times* first indicated the character of the calumny or injustice which had been committed.

“The Law Students’ Debating Society was “opened for the present session last night, “by the Auditor, Mr. D. Sullivan, with an “address which was understood to be a reply “to *The Bar Sinister*. The auditor admitted “that the principles on which lawyers are pro-“moted to the Bench are indefensible, but con-“tended that they had not had any effect in “lowering the tone or impairing the indepen-“dence of either Bench or Bar. In other words, “Mr. Sullivan’s view of the matter is, that a “cause, which he admits to be in operation, has, “by some miraculous means or other, failed to

“produce its natural effects. His audience however, which was composed mainly of judges, barristers, and law students, enthusiastically applauded his curious doctrine. The larger jury of the outside public will require better proof of it than flowers of rhetoric.”

This notice, copied from the leading article of a leading journal, naturally led me to study the reports of the debate of the law society referred to, which was in part as follows.

The Auditor, after some preliminary remarks, proceeded to direct attention “to the numerous charges which have recently been brought against the Irish branch of the profession. “We are told, he said, that the Irish Bar is distrusted by the people; that it has degenerated into inefficient mediocrity, and that, while alien in sentiment and barren in intellect, it usurps nearly every position of power and emolument. Taking up these charges, Mr. Sullivan first dealt with the allegation of unpopularity, and said—‘I have yet to learn that the claims which the Irish Bar has established on the affections of the Irish people are forgotten.’”

The reader will perceive further on, that from the barrister’s point of view it will, indeed, be disastrous when the ties that link the profession to the people come to be sundered; but that

evil time may not be so obviously remote as the Auditor or his friends affirm. The report proceeds :—

“ As to the charge of intellectual inferiority, “ Mr. Sullivan denied that it was borne out by “ the facts which came every day under our ob- “ servation, and added—‘ It is easy, of course, “ to go back and contrast the barrister of the “ day with the men of the era of independence, “ and talk of the degeneration of Irish law- “ yers while dwelling on the fame of Plunket “ and Yelverton and Bushe.’ This, it will be no- “ ticed, is the course almost invariably adopted “ when the merits of the present generation of “ barristers are impugned. But nothing can be “ more unfair than such a comparison. The “ men who sent the pulses of life throbbing “ through the veins of the Irish nation, and “ whose breath kindled afresh the fire of pa- “ triotism on the political altars of Ireland, were “ cast in no ordinary mould.

“ The assertion that the Irish Bar monopolises “ the positions of consequence and profit under “ the Crown was next examined by the auditor.

“ He distinctly intimated that the arguments “ of those who condemned the system on which “ those prizes are distributed were to his mind “ absolutely convincing ; but the perfectly dis- “ tinct contention that they should not be be-

“stowed on barristers-at-law was, he maintained, “untenable. The duties of the positions in “question could only be discharged by men pos-“sessing a perfect acquaintance with law”—

When supported by orthodox politics, or sub-servient and slippery principles, he might have said; but as if this thought was painfully present to his mind, he added—

“While, again, reserving his opinion as to the “system on which the patronage enjoyed by the “Bar is dispensed, the Auditor pointed out that “the evil had left uninjured the spirit of inde-“pendence of the Bench and of the Bar, which “was the brightest jewel in the crown of the “Irish lawyer.”

The views of the learned gentleman were then supported by the leaders of the profession, who were eager to defend the character of the bar.

“Mr. Sergeant Armstrong moved a resolution “that the Law Society was worthy the adhe-“rence and support of the Bench, the Bar, and “the students. The learned Sergeant, in the “course of an able and appropriate address, “warmly eulogised the excellent address of the “Auditor. He then proceeded to criticise a *re-“cent publication*, which he characterized as be-“ing without the least foundation in truth, it “was just a commercial speculation, the work of

“some satirical friend who had indulged his hu-  
“mour and sold his book—nothing more. He  
“heard in the present day some strange rumour  
“about the removal of their courts to England.  
“In olden times the warrior, holding the javelin  
“in his hand, said, ‘Come and take.’ So, if the  
“government of England at any time wished  
“to take away the law courts, he would say,  
“looking at the position of the Irish Bar, ‘Come  
“and take them.’ The strongest law that could  
“affect men was that of self-preservation, and  
“if the English Bar were to seek to have the  
“Irish business, the Irish Bar would come and  
“sweep them from their places at once ; for did  
“they imagine that one debating society in  
“England would be able to put before the pub-  
“lic such an address as that delivered by the  
“Auditor that night ? No ; and so at the Bar  
“of Ireland there were men quite equal to those  
“in England, and after a short time the Irish  
“would be left to themselves at home—that  
“was the truth of it. He told them that, with  
“their native talent, the education which they  
“had been accustomed to receive, and the in-  
“dependence of thought naturally incident to  
“their people, they would sweep the English  
“Bar into the Thames in a month.”

We presume that the question of bar-amal-  
gamation is settled after this. The English

profession is not likely to listen now to an arrangement which would insure for it a practical repetition of the universal deluge. Fancy a learned body, after one month's feeble resistance, being swept into the Thames by "the superior education, combined with the independence of thought, naturally *incident* to our people," whatever meaning that astounding phrase is supposed to contain. The audacity of this metaphor is only to be equalled by its brilliant incomprehensibility. Like the famous metaphysical treatise of a certain German philosopher, one might say that the spirit only which inspired this sentence is capable of grasping its interpretation: an intelligence quickened by the direct action of inspiration could alone extract meaning out of it. Impressed, however, by the energetic language of the learned gentleman, if not influenced or enlightened by his unintelligible English, we must caution the Government against entering on the fool-hardy enterprise which he invites—warn the Minister not to accept the challenge of the gallant Sergeant—not to "*Come and take*"—not to venture it; far safer to follow the admirable political example of the late Lord Castlereagh, and instead of "*Coming to take*," to "*Come and buy*." It is a device which in Irish politics has always proved successful, and should be

now more efficient than ever, as owing to the overstocked condition of the political market at the Four Courts, quotations there are on the ebb.

Things have, indeed, fallen to a low level amongst the learned brethren—it is “hard times” for clever political practitioners. Gentlemen are eager and hungry at this moment even for second class chairmanships—barristers of political eminence and repute—who but a short twelvemonths since would have despised any preferment short of a law officership or the Bench.

By the recent appointment to the Solicitorship of a gentleman who was neither a Member of Parliament nor a politician, who had not even been at any time a “patriot,” the government has taken a turn on a section of its learned supporters—rather, has given them a turn—has not only shaken their confidence, but likewise the whole fabric of a time-honoured and a convenient abuse.

The Cabinet has indulged a caprice, or else, by inconsistently yielding to an intermittent fit of virtue, has violated all precedent by appointing merely an excellent lawyer to a high official position, instead of an energetic politician, as in the old orthodox fashion.

This has naturally given scandal, and flut-

tered the entire covey of expectant birds which had been innocently waiting to take flight upwards in the usual way. From a moral point of view it was doubtless admirable of the government to risk this courageous innovation ; but having strategetic considerations in mind, we cannot think that its action was wise. Might it not have used this opportunity of the vacant Solicitorship to win over a tower of strength to its side, by making its own say of the very gallant Sergeant himself ? There is always time enough for doing good actions ; the Cabinet might have denied itself the virtuous enjoyment of making a clean appointment for awhile—say until the next occasion, and meanwhile secured the alliance of Mr. Sergeant Armstrong—a support well worth securing. If the oratory of the Sergeant in the House were but as effective as his language in professional practice appears to be vigorous and trenchant, the purchase of his advocacy, or of his lance, were a bargain for a Ministry to covet ; such support were cheap indeed at the price of a mere Irish law appointment.

There would have been an excellent harmony in it besides—Mr. Dowse, Attorney-General—Sergeant Armstrong serving under him. The fitness of their conjunction in office would be apparent to every eye.

In the natural course of things the Sergeant might obtain a seat, and the English public—the House—would be then presented with a brilliant example, as illustrated by both law officers, of what the foremost intellectual profession in Ireland was able to produce in the way of cultured gentlemanhood, polish of wit and manners, sarcasm combined with debating effectiveness. The English Bar would then have a near view of what fate was before it in case of amalgamation. It would shudder at the professional annihilation which that abominable project embodied, chuckle over its evident escape, and the Humane Society be spared the melancholy prospect of having, some day perhaps, to drag the Thames for the submerged remainder of the actual leaders of Westminster Hall.

However, let us be just to Sergeant Armstrong. Although at present without an opportunity of displaying his peculiar eccentricities to the observation of English barristers, he endeavours, by occasional personal exhibitions, to warn them of the matchless intellectual forces which are contained in a leading Irish practitioner; as far as circumstances permit he does his best to illustrate the scope and magnificence of those powers of culture and independent thought before which unhappy English advo-

cates can have no resource but a swim. On the day following the resonant declaration at the Law Society which we have quoted—on the next day—he exhibits himself in full practice in the Court of Queen's Bench, we trust for the edification of the general public, and admiration likewise of all members of the profession on both sides of the channel.

It is scarcely necessary to observe that Sergeant Armstrong is one of the leading ornaments of the modern Irish Bar; and therefore an eminent as well as a fair illustration of the exterior of the profession.

In purely legal attainments he is reputed unsurpassed, and in genuine wit, aptitude at repartee, forensic eloquence, is perhaps only surpassed by the cultured and learned gentleman who at present fills the office of Irish Attorney-General. The Sergeant formerly held a seat in parliament, has occasionally gone circuit for one of the judges, probably hopes at no distant period to have a permanent place on the Irish Bench; he must, therefore, be regarded in every sense as a foremost, if not a representative man. In him we may fairly look for an illustration of those brilliant qualities which are “incident to our people,” and which in the case of the learned profession, are fairly assumed to be training as exemplified by

knowledge, culture, capacity, eloquence, above all, well-bred demeanour.

On the day after this declaration at the Law Society, the case of *Brady v. White* came on in the Queen's Bench, and a leader in *The Irish Times* comments upon it as follows :—

“In the course of the trial of the case *Brady v. White*, in the Court of Queen's Bench yesterday, one of those sparring scenes which have of late been exhibited so frequently at the Bar, occurred between the leading counsel on either side. The hearers laughed, of course, for it is really a fine satire on flowing wigs and silk gowns to hear the wearers 'snubbing' each other like cross-grained old women. Sometimes we fancy that these scenes are got up for amusement, or sensation, seeing that having had their scolding match, the disputants are ready to embrace each other lovingly, and to declare that their angry words meant nothing at all. Whether the reputation of counsel is increased by such displays of temper, is a matter for their own consideration ; but the dignity of the court, the solemnity of justice, and the interest of suitors, are sacrificed, while the tittering audience is amused.”

Here is the extract from the proceedings in court to which the above comments refer. We take it from the newspaper report when Ser-

geant Armstrong is closing his address to the court. He concludes as follows :—

“ It would be as difficult to find a libel in the  
“ documents complained of as to find a needle  
“ in a bundle of straw. Referring to the com-  
“ plaint as to the word ‘snubbing,’ it was in his  
“ opinion perfectly preposterous. Would any  
“ man think he [Sergeant Armstrong] had a  
“ complaint against the Lord Chief Justice on  
“ the Bench if he went out to the hall and said,  
“ ‘ Oh ! the Chief Justice has snubbed me ; but  
“ I must say he was impartial, for when Mr.  
“ Macdonogh stood up, he put him down at  
“ once.’ (*Laughter.*)

“ Mr. Macdonogh.—‘ I must interrupt my  
“ learned friend. The Chief Justice never snub-  
“ bed me in my life. I utterly repudiate the  
“ allegation.’

“ Sergeant Armstrong.—‘ Will my learned  
“ friend permit me to ask him what is the mat-  
“ ter with him ? ’ (*Laughter.*)

“ Mr. Macdonogh.—‘ I think the dignity of a  
“ court of justice should be preserved.’

“ Sergeant Armstrong said his learned friend  
“ should not butter the court in that way.

“ Mr. Macdonogh.—‘ I despise your observa-  
“ tions ; they are uncourteous, rude, and coarse.’

“ The Chief Justice said he very rarely snub-  
“ bed any gentleman of the bar, and he was

“ quite sure that Sergeant Armstrong did not  
“ mean to say anything calculated to offend  
“ Mr. Macdonogh.

“ Sergeant Armstrong said he had no such  
“ intention, and he was quite sure that before  
“ his learned friend put his nightcap on that  
“ night he would go down on his knees and  
“ ask pardon for having hurt his friend Arm-  
“ strong. (*Laughter.*) If there was anything  
“ wrong with his learned friend’s stomach—if  
“ the gastric juices were not acting—why, he  
“ [Sergeant Armstrong] could wait until his  
“ learned friend was in better humour. (*Re-  
“ newed laughter.*) The learned Sergeant then  
“ resumed his statement, and had not concluded  
“ when the court rose.”

Here are foremost members of the profession, both ex-members of Parliament, both likewise probable future dignitaries of the Bench, spluttering abuse in open court—gasconading, “buttering,” “snubbing” each other with as little apparent consciousness of indelicacy, under-breeding, or ill-manners, as a group of untrussed town councillors carousing at the worshipful banquet of a provincial mayor. Unhappily this is not by any means an exceptional case nor a singular exhibition. Such passages as the above might be selected at random out of the daily law reports, but they give no scandal.

Quite recently Sergeant Armstrong again edified the world with a more perfect illustration of professional manners and personal demeanour in open court. During the progress of the case of *Rea v. Hillier* in the Queen's Bench, he cross-examined the plaintiff, who happened also to belong to the profession of the law ; but the Sergeant is no respecter of persons, and apparently has little feeling for his kind. Here is an extract :—

“ Sergeant Armstrong.—‘ Now did you not “ know when you published these letters that “ that was a downright falsehood.’

“ Witness.—‘ It is not.’

“ Sergeant Armstrong.—‘ Who offered it [a “ money compromise] to you ? ’

“ Witness.—‘ Do you wish me to answer “ that now ? ’

“ Sergeant Armstrong.—‘ Yes : for I am in- “ structed that it was a flagrant, false state- “ ment, published for the purpose of prejudicing “ the case.’

“ Witness.—‘ It was not ; how could it when “ the action was not to be tried in Belfast ? ’

“ Sergeant Armstrong.—‘ Come sir ! who “ made this offer ? None of your trifling with “ me, sir, or with the truth.’ ”

Later on, the following passage occurs :

“ Sergeant Armstrong.—‘ Do you think you

“got enough for what you did on the 19th—  
“keeping you in ‘quod’ for four hours?’

“Witness.—‘That is not very polished lan-  
“guage, I must ask you to translate it for  
“me.’ (*Laughter.*)

“Sergeant Armstrong.—‘Was it sufficient  
“punishment to keep you from devilment for  
“four hours?’

“Witness.—‘I don’t think that is language  
“to address to a witness in a court of justice.’

“Sergeant Armstrong.—‘Answer the ques-  
“tion.’

“Witness.—‘I will, if you speak plainly and  
“scholarly.’

“Sergeant Armstrong.—‘Well, do you think  
“that the incarceration to which your per-  
“son was subjected, a sufficient castigation  
“for your offence against peace and order?’

“Witness.—‘You are improving.’”

Unfortunately space will not allow us to present the reader with further extracts from this exquisite case. An influential journal (*The Evening Mail*) comments upon it thus in no doubtful language:

“We refer to the course taken, and the  
“temper displayed, by Mr. Sergeant Arm-  
“strong in his cross-examination of the plain-  
“tiff, and subsequently in the attempt made  
“in his opening of the defendant’s case to

“ avenge himself for the discomfiture he suffered in his *impar congressus* with Mr. Rea. “ A very few posies collected from the learned Sergeant’s garden of wit and eloquence will, “ in the confidence we feel in the public taste, “ relieve us from the trouble of any lengthened “ remarks. Mr. Sergeant Armstrong began “ by lamenting the condition to which ‘ the animosity of rival factions’ has reduced Ireland, and then he proceeded to depict with “ great force a raid made upon Derry (or Sligo) by this ‘ volunteer in mischief (plaintiff) this self-appointed incendiary, this ill-tongued person,’ who had ‘ exhibited a disregard of decency and truth, and who should be made an example of in that court, which was *custos morum*—the guardian not alone of our liberties, but of the decencies of life.’ Then the learned Sergeant illustrated very graphically his notion of judicial decency by informing the jury that ‘ he was sure of one branch of the tribunal’ for helping him to non-suit the plaintiff. We have not yet completed our elegant extracts. Having pointed to Mr. Rea as a ‘ ruffian who dared to insult the sacred person of royalty,’ as a ‘ lying, false, low, vile *attorney*,’ Mr. Sergeant Armstrong had the incredible bad taste to accuse the plaintiff as being mad. We hope

“ we need go no farther in calling attention to  
“ the most truly scandalous exhibition we ever  
“ recollect to have had to notice as having  
“ occurred in a court of law.”

Is it not true that these gentlemen of the robe have themselves supplied a defence of *The Bar Sinister*—furnished a more cutting sarcasm on their order than another pen could write? Is not the most severe of all commentaries on the modern Irish Bar to be found in the daily transactions of the Four Courts? Would not extracts from these be the most damaging attack on the profession which has ever appeared in print? This would be an easy method of procuring a necessary exposure of a flagrant abuse, but it must be for another hand to perform;—mine is tired of the office, notwithstanding that opportunities abound—that fresh invitations from gentlemen of the profession are daily tempting one to advance deeper into the subject. It is melancholy—mere humiliation—to continue to point at the brazen but poor deformed visage of this national scandal. Does not every eye already appreciate the caricature? It is pitiful sport to continue shooting at an object which demands neither strength to reach nor skill to attain. Missiles abound still on every side. Leave them for the hand of the next wayfarer who feels in-

clined to level an abuse, or in spirits for an humble pastime. Let him, if so disposed, visit the Four Courts during term ; he will find marks set up to his aim there in every corner ; he need only unsling his arm, and get into shooting posture. If he but looks straight and strikes true, the gods are sure to send excellent sport.

MATTHEW STRADLING.





## THE IRISH BAR SINISTER.



## THE IRISH BAR SINISTER.

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### THE TEMPTER AND THE TEMPTED.

**ALMAVIVA.**—“Avec du caractère et de l'esprit, tu pourrais un jour t' avancer.”

**FIGARO.**—“De l'esprit pour s'avancer ? Monseigneur se rit du mien. Médiocre et rampant, et l'on arrive à tout.”

Lord Castlereagh, writing to Mr. Wickham on 2nd January, 1799, concerning the then contemplated measure of the legislative Union between Great Britain and Ireland, rejoices at the adhesion of a portion of the Irish Bar, which he regards as a most hopeful circumstance in favour of the projected scheme.

“We have good materials amongst the young ‘barristers, but we cannot expect them to waste ‘their lives and starve into the bargain,” writes his lordship exultingly ; and from Castlereagh’s time downward, the Irish executive has continued to profit by the supineness of the profession of the law—to make the best use of its “good materials” without exacting that young barristers shall either waste their precious lives, or starve while devoting themselves to the service and interest of the state. Starve, forsooth !

No time at the disposal of an enterprising law-  
yerling can be so well employed—so profitably  
invested—as when it is expended in his coun-  
try's service ; that is, in the interest of a politi-  
cal party. No other enterprise will turn out so  
remunerative in the long run, or is paid for so  
generously on the same scale of munificence.

“The Castle” is a provident and indulgent  
patroness. With maternal solicitude she takes  
care that her favourite protégé shall neither in-  
cur the penalty of starvation, nor even the risk  
of being pinched by a wholesome pang of  
hunger during the barren interval of profes-  
sional existence—during that probationary pe-  
riod through which he has to pass to the full en-  
joyment of governmental favours. She watches  
all through his career with the tender fore-  
sight of a guardian spirit, and answers for the  
ultimate salvation of his fortunes, if he but  
yields to guidance and complies with the easy  
conditions which she imposes.

While prosecuting at one of the Fenian trials  
of the Munster Special Commission, the late  
Irish Attorney-General said, with reference to  
his own position at the bar, “that he owed emi-  
“nence solely to industry, integrity, and prin-  
“ciple.”\* Perhaps some of our modern lawyers

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\* These virtues have since raised the Right Hon. gentleman  
to the Bench.

would not find these elements of success as easy of attainment as Mr. Barry avowedly has done; but the Castle is not so unreasonable as to exact hard qualifications from those who accept patronage or take shelter under her wing. She does not inexorably insist upon these high personal attributes of industry, integrity, and principle. Provided that a legal nursling be faithful to a certain creed, to the political sentiments which she inspires, he may in other respects live as he pleases, be pretty much as other men are. If he only have his wits awake, keep both eyes decently open to the chances of fortune, he will, under the tutelage of this *Alma Mater*, be sure of reaching the honors of his profession—that, too, without undue exhaustion of either physical or intellectual powers. As for industry and learning in a serious sense, they are no longer looked for in the junior ranks of the profession, either by the Castle or by the attorneys, or by anybody else who has to do with it. Public opinion does not now expect that the young dilettante of the Four Courts shall turn into a professional drudge. He is as little expected to consume precious eyesight poring over law books, as while on circuit to degrade the fitness of an affected gentlemanhood by fraternizing with commercial sets in the provinces, or

by making up to the families of brief-producing attorneys. At one time, during the duelling era of Irish society, a man at the bar had to shoot up into business; at a later period, to dance or to slide into it; there was even an interval of the age of iron, when actual industry was expected, or else a reputation for it. He had then not only to show diligence in attending quarter sessions, but frequently to hobnob with opulent tradesmen in provincial towns, and conciliate the favour of rural Orangemen or political parish priests, as the case might be. It was a condition of existence "to be popular;" he had to practice many vulgar artifices, to elbow forward into every avenue leading to business, in a patient, plodding fashion. But this hard necessity has passed away, and the modern junior of the Four Courts no longer needs in our golden age to undergo any unpleasant probationary process.

Patient delvers there may be still—dull, hard-working, conscientiously business-like drudges—who yet zigzag contently upward in a round-about antediluvian way. But he is not one of those legal jades. Such tortoises obtain less in the end, with all their diligence and industry, than a clever political acrobat achieves easily and rapidly, without condescending to any form of laborious self-denial.

The industrious example, therefore, recommends itself neither to his imagination, cultured taste, nor good sense ; for besides being a man of fashion he is especially a man of foresight—a man of the world above all. He calculates that while on the one hand little bona fide law business exists in the country ; on the other, that it abounds in politics. Why, therefore, overlay his brain with a wearisome superfluity of knowledge, professional or otherwise ? He does not in fact. He burns no midnight oil. Some two hundred well-provisioned government places are to be divided among six hundred barristers : by consequence, political intrigue—not Coke or Blackstone—becomes the object of his study. He perceives that the prizes of the law are not for mere lawyers, but for loungers and politicians ; and having in view an easy short cut upward to honour and fortune, feels that anything more than a gentlemanly intercourse with the technicalities of the profession will be rather a hindrance to his uprise. He intends to win the stakes—to carry off a fat slice of the sinecures with which the Castle has enriched this learned calling—but also proposes to enjoy himself meanwhile, to ride the race as it were in the satin sleeves of a gentleman rider.

Accordingly our modern junior—the junior

“di qualita” who is prudently mindful of social privileges and of his own importance—just scents his pocket handkerchief with so much of the essence of law as serves to impregnate his graceful person with an odour of the profession, and then takes ease and pleasure freely, content to wait for the ripe plums which time is quietly maturing for his benefit.

During term, he will be daily found at the Four Courts, relaxing his legal mind amid the effete jokes and never-ending gossip of “The Hall.” He is a wit by profession, and at an early age achieved a reputation in the superfine art of conundrums. At double acrostics too he excels, or rather did some years ago when that hideous fashion had a run: he has written an admirable book upon the subject, and practices besides a variety of literary aptitudes. He is a ready twister of verses, comic or sentimental, and can supply them off-hand with deplorable facility. Prose he can indite with almost as little labour as poetry; vigorous prose or fiery poetry comes equally easy to his fluent pen.

In moments of inspiration he supplies leaders for *Saunders* or *The Mail*; or sinks back to the level of *The Evening Post* or *The Freeman*, when in a duller mood, or in a different political vein. The Historical Society of Trinity

College has developed that fatal gift of oratory common to the race, and he can, by reason of its training, speak in public at a moment's call upon any subject with Celtic ease and fluency. The famous debating club enjoys a well-grounded forensic reputation. It has produced many brilliant orators from time to time, but by nourishing the elocutionary virus which dwells latent in all of Hibernian blood, it has done much to retard the material advancement of the island.

The Historical Society, however, has assisted in forming the characteristics of the aspiring barrister: made him not only a spouter but even a speaker—a conversationalist. He is often an excellent actor and *raconteur*, always a welcome guest at bachelor dinner-parties, and other convivial assemblies; a clever mimic, too, and shines in giving illustrations of the leading characters of circuit.

The daily incidents of *Nisi Prius* practice—the testy chief justice, the clever practitioner, the comical witness—such studies as these are especially a stock-in-trade, and he will strike off their peculiarities with grace and humour. Although by nature a fine gentleman, he is not above being a “jack-pudding” occasionally, and after the round of a few circuits will probably be a judge; in due time

he will exchange buffoonery for politics, and thenceforward is the high road to the Bench.

This is scarcely an exaggeration. For every clever youth at the Irish Bar, a judgeship is waiting somewhere in the future ; and if he misses the ermine, there is always the *pis aller* of a chairmanship of quarter sessions, or some such equivalent comfort lying ready to fall back upon. To obtain such an office no special qualification is exacted. It is only necessary that the barrister shall stand well with the ruling party of the hour—have the same political principles as the Lord Chancellor for the time being, with whom the appointment virtually rests. This is an arrangement which conforms well with the peculiarities of the country, as in Ireland large families so much prevail that judges of the land do not always escape the infection, but sometimes have blood relations to settle in life like ordinary mortals. Occasionally even Lord Chancellors have as a matter of necessity to turn nepotists.\*

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\* “An additional objection to individual nepotism is found in the fact, that the father has not only an interest in appointing his own son, but if he has several sons of an age fit for the office, he has an obvious interest in appointing the stupidest one of the lot. He naturally says to himself—Tom and Dick are sharp fellows, and well able to do for themselves in the world, but poor Harry is a dull boy. I had better provide for him by giving him this little thing which is in my gift.”—*Patronage and Purchase in making Appointments*, by ROBERT M'DONNELL, M.D. F.R.S.

As vacancies in the minor offices are invariably appointed to by interest, the standard of county judge ability is not, as a rule, despairingly high. It is just necessary that such a judge shall be competent to exercise the functions of an ordinary juryman. That is happily the whole of it ; for if more distinguished attainments were exacted, many existing Chairmen would have to retire disqualified from the county bench. The dullest idler in the Four Courts, accordingly, feels competent to fill the presidential chair at quarter sessions, and reflects, that if the duties of the office are light and the intellectual qualifications inappreciable, the salary, in proportion to the sacrifice of leisure involved, is magnificent.

The seat of an Irish *puisne* judge is admittedly not a hard one ; but it is an uncomfortable, a badly-stuffed cushion, compared to the pillow upon which a County Chairman goes to roost. Placed beside the chairman, a judge even excites compassion by appearing as a badly-paid, an overworked individual. He draws a salary of from £3,500, to say £5,000 a year. For this stipend the duties are not indeed onerous ; but he has had to see a share of the world—to undergo ups and downs of life—incur the caprices of fortune—before securing the splendid repose and dignity of the Bench.

Deriving office directly from the government, he has had to earn advancement by having rendered distinct political services of some sort. Either he paid a round sum out of pocket in contesting elections for a party, or else helped political chiefs out of some dilemma with some of the Irish factions, or displayed ability or eloquence in parliament or—the easiest, most practical mode of rendering service—perhaps made a holocaust of the principles of a lifetime, by becoming a converted patriot at an important crisis—by turning round outrageously upon some great occasion, and so constituted a claim which is always in good time redeemed.

But the Assistant-Barrister—whose office was first invented in '98 by the famous Lord Chancellor Clare for the purpose of bribing the turbulent profession into good behaviour at the critical period of the Union—the Assistant-Barrister who, in conformity with his origin, practically derives, not from the government but from its head legal official, the Chancellor—is not necessarily required to create “a claim” to obtain promotion. In truth he is not required to do anything, to have antecedents, or even to exhibit any ability personal or professional. He only needs to be somebody’s nephew or cousin, or somebody’s very particular friend,

or to have strong partizans in the country, who in exchange for his advancement, will pack up well together at an election contest.

The Assistant-Barrister touches a salary of from £700 to £1,100 according to class;—an insignificant income, perhaps, when compared to the thousands of a Chief Justice or Chief Baron, but having in view the trifling sacrifice of leisure and convenience which this office demands, the Chairman is proportionately more highly paid than his ermined superior. The Judge surrenders all practice, and gives up an entire professional life to the duties of the Bench, the County Judge only such portions of time as can be easily spared or are of no use. He arranges that the quarterly sessions in each district shall be during idle intervals of the legal year, so as neither to interfere with private practice, or personal convenience or pleasure; these quarterly visits are so short and the functions attached to them so easily discharged, that he regards attendance in the country rather in the light of a recreation.

The most industrious of the first-class chairmen sit for about three weeks each quarter, receiving payment at the rate of, say, £100 per week for the sitting; others average a fortnight, ten days, a week, half a week; and there are cases where only half a working day is given

up to the discharge of public duties. An illustrious Chairman of Kilmainham—the district immediately around Dublin—adopted, in his time, the thrifty habit—

“ For thrift is blessing if men steal it not”—

of adjourning court at noon, and driving into town in time to appear in full practice at the Four Courts in the afternoon—a sort of short cut possibly not always approved of by litigants of the Kilmainham district ; but Irish legal arrangements do not profess to consult public convenience, and an average Irish court has in point of fact so little *bonâ fide* business to be done, that it does not matter if it gets tossed about.

The holder of a Chairmanship may in addition fill a number of other offices—Crown Prosecutorships, Commissionerships, and the like—which easily run his receipts from the public purse up to thousands a-year. It is well to be emphatic upon this point, now that the County Chairmen have the hardihood to appear as petitioners for an increased gift of public money. They represent themselves as being over-worked and underpaid ; and the amiable Sir C. O’Loghlen has put himself in the grotesque position of appearing as their advocate—has actually given notice of a motion in Parliament

in favour of the aggrieved order to which he formerly belonged.

With such fair pastures lying open before him, the young Irish barrister, whatever be his abilities or deficiencies, naturally regards the future without apprehension. He recognises that a system already exists in working order, which he has only to fall in with to profit by. It only demands that he shall not be impracticable, or tilt against stone walls, or indulge in irreconcilable views, but comply with conditions which are easy, even pleasant, to observe. The road to success is plainly marked out, and is very smooth travelling to boot. He has only to do that which comes easy by nature to all Irishmen—to take up with one or other of the rival political factions which are always hating each other throughout the length and breadth of the land—to make himself a staunch partizan of any party—it does not matter of which. It does not matter whether from a liberal he turns at once to orange-conservatism, or whether from a whig he changes with equal rapidity into an extreme patriot, and takes to green scarfs and patriotic breast pins on an election platform. Either method will do; so that a creed be well defined for the moment, and his conduct not startlingly inconsistent with it, is all that any one expects. There is scarcely a rule about the

choice of a colour, whether orange or green. The conservative side has fewer innings, but the liberal ranks are more thickly packed, so that it is in all essentials an even choice. He may, if disposed, even leave the selection of colour to chance, or like the hair of Signor Benedict's mistress to the caprice of heaven ; but if there be a rule it is probably to select as badge that particular hue which would seem of right and by nature not to belong to him.

For instance, a Protestant will do well to side with the high and dry liberals, and take the popular side on tenant right, denominational education, the Catholic claims, and Stephen's Green University ; but if a Catholic, it might be well, without abandoning his religion as in former times, to veer from the Catholic side of politics, which is not altogether the same thing, although it sometimes answers as well. There are instances where such an experiment has proved brilliantly successful. A good steady conservatism may then best serve his turn, and the orange domino becomes at once the most advantageous costume which he can select to masquerade with. In every case a seat in the legislature is indispensable—is indeed so indispensable that the Bar has grown to look upon the representation of the country as an appurtenance of itself—almost

as a department of the profession. This pretension is advanced with such supercilious bare-facedness, that sometimes interference with the candidature of a popular barrister is considered as a breach of privilege,—almost as an impertinence. Other persons are tacitly required to move back out of the way of a rising lawyer on his way to the Bench ; to give him the *pas*, as if to a county magnate at a provincial dinner party. But for this there are better reasons than appear. The circumstance is not as irrational as it looks at first. It does not proceed from an absurd preference for lawyers before other men, but from the fact that a lawyer has more personal friends to provide for, therefore more individuals interested in his success, and consequently a wider circumference of ready-made active support than most other men can command.

Let us examine the features of this peculiarity.

The Irish political barrister is admittedly an adventurer—an adventurer by profession, of a recognized and fashionable type—a man who takes up with a party, and adopts its creed for the transparent purpose of achieving an uprise in the law and in the world, avowedly and openly. But he is besides the leader of a gang of unrecognized and unseen, and because un-

seen, less reputable, adventurers who are following in the same track, whose fortunes tacked on to his tail, are to be advanced through his influence. All Irish public men are more or less encumbered with an unseen tail of this kind, but a barrister's appendage surpasses all others in length and unwieldiness.

In Ireland a number of very important people are always wanting very small places from the Castle or from the Minister, and the Castle and the Minister are prudent enough to keep a good supply of the requisite small wares and favours on hand for frequent distribution among their exacting friends. It is understood that political services, great and small, shall be requited with payments of certain coveted small change of pensions and of honors. Ever since the "Union" inaugurated this practice, it has been persevered in with commercial regularity, and the English Minister contemptuously supplies an annual budget of trinkets for the Irish market as traders of the Gold Coast do bales of spangles and glass beads to tempt the cupidity or gratify the barbarous fancy of the native savages. Accordingly, the average public man finds his time occupied in applying or intriguing for favours for friends and supporters. The squires and squireens of the parish want—one, perhaps a knighthood—

another, the embroidered coat of a Deputy Lieutenant—or the pleasant salary and consequence of a Stipendiary Magistrate. The opulent grocer, brewer, or distiller of a provincial town—the bourgeois gentilhomme—and no more hideous variety of fungus exists than the Celtic start-up—probably sets his eye upon the social advancement of a justiceship. The highly-influential family has a secret embarrassment of some sort, possibly, a loose-living, horse-racing, nephew or cousin, who would do uncommonly well in the customs. Two or three local attorneys dream of a Peace-clerkship or Crown Prosecutorship with a modest salary. The village publican has an ambitious son who sighs after the Excise.

All these classes have learned by experience that the readiest way of obtaining favours from the Castle is to employ the advocacy of an influential barrister—that is, a political barrister—who has been duly entered for promotion and who holds a seat in the House. Hence the popular desire that men of “right stamp” should be furnished with seats when an opportunity offers. Hence, likewise, the burst of local enthusiasm which often heralds the election address of some popular barrister in the county papers. All the expectants of a given constituency gather to the muster and rally

round their man when the crisis arrives. The return of the influential person is every one's affair. It is something like the election of a leading American politician in a small way. If the head of the body can only get in, the rest of the long-tailed column follows after in due course, joint by joint, and each one of the obscure backers wins privately, or expects to win, the secret stake for which he has been playing. It is like starting a thorough-bred for a heavy purse. Every assistant of the stable, every tout and hanger-on, obtains a small share of spoil in case of the favourite's success. The legal candidate, therefore, enters the field with many advantages already gained, and swelling the clamour raised in his favour, comes in the huge auxiliary force which the Bar itself supplies. This is a moving contingent, a sort of flying column, upon the support of which an embryo Attorney-General can always rely with confidence. It is recruited from the hungry lower ranks of the learned profession, composed of ornamental members, of honest dunderheads, of men who never attempted to seek for business or even desire to get it—but who fully desire and intend to be named third-class chairmen, crown prosecutors, registrars, petty commissioners, counsel to official departments, secretaries or clerks in the

superior courts, etc.—in fact whose sole arrangement for the future is a Castle windfall—to come in for an allotment of the patronage which their chief, when Attorney-General, may have to distribute among his friends. The Irish legal system abounds, as we have said, with a supply of these small but comfortable places designed for the support of the great unemployed division. It is a gentlemanly species of out-door relief, which a wise government has organised for the endowment and maintenance of all incompetent members of a petted profession.

The parliamentary candidate of the Bar accordingly enters the election field with an immense array of forces under command—with a broader basis of support to rest upon than any non-professional candidate can hope from the nature of things to find ; and all his adherents are eager, energetic, hearty in the cause : they take no rest in service, they exhaust their wits, stir up local influences and jealousies in his favour, make speeches, intrigue, puff him in the county papers. What matter that they have an interest in his success, are speculators on his promotion, and regard the favourite in the light of a simple investment. That only stimulates their action and renders it more efficient. Instances are known where the candi-

date's supporters are not only speculators on his uprise, but outfitters likewise—undertakers and partners in the venture—have actually furnished the necessary funds to embark on the enterprise.

Is it matter of surprise, if under the influence of such a state of things, the young barrister should grow to regard himself as a privileged personage, belonging to a favoured and superior order? Privileged classes have a generic tendency to dwindle into cubbishness in their junior offshoots, like young lords and guardsmen, high church parsons, and Irish police officers. What wonder therefore if the Dublin junior should sometimes bud into an offensive specimen of the very vile cub species?

Everything connected with his legal existence tends to develop this propensity. From the moment of being called, while already a briefless embryo, he becomes a government pet, and presently, as leader, a prominent and privileged partisan of either of the two parties who succeed each other in power at the Castle. Later, as Attorney-General, he is an integral part of the executive itself; and ultimately as Judge stands forward, the incarnation not only of law and justice in the restricted sense, but of law and order in a ministerial rather than a judicial sense.

The Irish Judge is a composite official fashioned from very incongruous elements. In addition to being a Judge, he is also the Government, the Privy Council, the Castle; he represents English dominion through the medium of the Viceregal establishment—the most hateful form in which it can be represented to the popular mind—and he is careful to keep his hand in constant practice by exercising the multiform duties which go to comprise the bizarre nature of his office.

When judicially engaged in a political case, for instance, or when charging a grand jury on circuit, or whenever an opportunity presents itself, the Judge improves the occasion by delivering a solemn lecture on nearly every subject of current public interest. The flimsiest pretext will sometimes suffice for ventilating the peculiar views of his order or of his party. If an agricultural case appears on the record, he will avail himself of the accident to make commentaries on the Land Act. It will be an occasion for extolling the Prime Minister, for commending the Lord Lieutenant and Chief Secretary—even for saying a good word for the late Chief Secretary—the politically deceased Mr. Fortescue. He holds cabinet opinions on mixed education. The Black Sea conference, or the “Prussian terms,” or the Alabama claims engage his attention; or, fail-

ing to light upon a fresher or more original subject, the twin horrors of Ribbonism and Fenianism come in for stereotyped maledictions.

To deliver improving lectures in the provinces is part of the circuit duties of an Irish Judge ; but once established in town, during the fashionable season at least, his engagements partake of a more varied and less professional character.

Unhappily for his repose, the Judge in right of his office is supposed to be leader of the resident aristocracy of the Capital. Not only has he to patronise the levees and drawing-rooms of Dublin Castle, the Viceregal balls and banquets, but has actually to take part and be present at these singular ceremonials. The absurd court of the Irish Viceroy cannot afford to dispense with any of the supports which help to continue its feeble and deciduous existence, and all the legal dignitaries are expected to join in upholding the faded pageantry of the institution. It is assailed on every hand by the ridicule and contempt of the country, and on the judges chiefly devolve the necessary duty of manning the social ramparts in its defence.

It must be difficult for a Chief Justice to avoid smiling in the face of a learned brother of the Bench as the pair encounter in

St. Patrick's Hall, conferring dignity by their presence on the crowd of *nobility and fashion* which assembles there. It must be a trying position for anyone endowed with a sense of ridicule, or with the fineness of nerve which culture and fine breeding generates. Although not invariably a scholar and a gentleman, the Dublin judge is often one or other, and these social penalties clearly entitle him to compassion. But as he draws an average stipend of some £4,000 a-year for consenting to be a judge, it is not fair to quarrel with his bread and butter, or make wry faces at the absurd services by which he is supposed to earn a handsome salary. The native aristocracy, however, do make faces not only at the Castle "drawing-rooms," but at court, capital, and country into the bargain, and show nothing—nothing—but their backs to the whole concern.

The higher classes, not being salaried for attending at the Castle, like the high legal ones, simply avoid it. They don't go there. They abandon the position, and by taking flight alike from their estates and from the capital, further assist the social encroachment of the all-pervading law. The emigration of the landed proprietary thus absolutely hands over all social position to the legal hierarchy.

It is this fact which renders the profession so attractive to young men of ability and culture. This, and also because there is no other path in life which offers them an equal temptation of a career. There is no wholesome literature of a high tone in the country. Native art has died out. Society since the Union has emigrated. That which sustains its semblance is a sham—like Dublin fashion—like the Castle levee. Commerce has decayed. Industry is paralysed. There is but one industrial department which still enjoys a vigorous existence—the political industry of a political lawyer.

This decay of other professions, the absence of legitimate opportunities, has caused the Bar to be over-crowded with restless and discontented men of talent who have to take refuge there; and the government, by lavishing endowments and privileges upon it, by arranging to purchase up the refuge, makes an easy prey of the needy refugees. This deep-sighted device has been practised with so much dexterity by each successive administration, that the modern Bar has become a trap baited by the State—a trap in which the best of each generation, the youthful genius and ability of the land are securely taken.

Practically the State has addressed itself in these terms: “The clever youth of this politi-

cally hostile people might give us much trouble if suffered to be independent. We must prevent this by enlisting them in our service and our interests, by forcing them into this favoured Corporation of the Law. Let us enrich it exceedingly ; yet, keeping the prizes under our control, make the adherence of members of the Bar to us a condition for obtaining share of the good things which it possesses. Thus we shall obtain a two-fold result—not only prevent men of talent from joining the enemy's ranks, but convert them into useful and subservient instruments. They might do us much harm : we shall make them do us good service. Once enclosed within the boundaries of the law, we shall hold them safe as in a paddock, to be employed according to our need and disposition."

This is the light in which Government has regarded the question, since relaxation of the penal laws first threw open the ranks of the profession ; and results have proved that it did not calculate amiss. The Crown has been only too often justified in counting on the unconditional subserviency and venality of the learned brotherhood, which perhaps at no period has exhibited less political energy, less independence, than at the present crisis of Irish politics.

In Wyse's *History of the Catholic Association* we find the following note :

“ Catholic barristers, up to the period of  
“ which we are speaking, were only known as  
“ pensioners\*—the strings which the Ministers  
“ held to move and direct the Catholic body.  
“ Fortunately, their efficiency diminished in  
“ direct ratio to their servility. From an early  
“ hour the Bar was crowded with these adven-  
“ turers. They first entered (taking the oaths)  
“ as recusants or converted Papists ; then, on  
“ the relaxation, they continued under a mon-  
“ grel character—a something between Papist  
“ and Protestant. The Government first tried  
“ to entrap and persecute them, but finding  
“ them too slippery, at last agreed to use them.”

A more remarkable extract is the following, which we borrow from the *Peel Memoirs*. It is of a later date and taken from a letter of Leslie Foster (himself a judge) to Vesey Fitzgerald.†

“ I should expect marked results from silen-  
“ cing the Catholic Bar, which the opening  
“ professional hopes would certainly effect.  
“ The subservience of their barristers while  
“ they have a hope of personal promotion is as  
“ remarkable as the extent of popular influence

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\* See Boulter's lugubrious complaints.

† *Memoirs by Sir Robert Peel.* Vol. I, page 267.

“ which they acquire when their hope is afterwards abandoned. You would never have another O’Connell or Shiel. Had the Bar been thus silenced a few years ago, what agitation would ever have existed? No other profession or calling has produced an agitator of any real influence.”

The process of *silencing*, and the counter device of speaking aloud in designedly flatulent and noisy tones—of raising a factitious clamour—in order to become worthy of being silenced, seem to have been practised by both sides since the ranks of the Bar were first thrown open to all comers.



## THE TEMPTATION.

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MRS. FORD.—O woman ! if it were not for one trifling respect, I could come to such honour !

MRS. PAGE.—Hang the trifles, woman : take the honour : what is it ? —

MRS. FORD.—If I would but go to hell for an eternal moment, or so, I could be knighted.—*Merry Wives of Windsor.*

THE acknowledgement by Lord Castlereagh of large sums applied to the purpose of purchasing the junior Bar, marks the initiation of that policy of governing Ireland by the corruption of the Irish Bar which prevails up to the present time. Cut off the heads of the tall poppies, was the old Roman policy ; buy them and make use of them, that of the more sagacious Castlereagh.

At the time of the Union the body of barristers were inclined at first to make stand against the detested measure, and against the intriguing Government likewise. They were recklessly patriotic, and took up a distinct position from the outset—threatened even to resort to force, to inaugurate an armed insurrection against the Crown, if the project were not abandoned. At one moment such threats appeared on the

point of execution. A most intemperate course was on the eve of being adopted by the corps of yeomanry called the "Lawyers' Infantry Corps." This regiment, composed of members of every branch of the profession, was probably on that account nick-named the "Devil's Own" by the populace, or, being commanded by Mr. Saurin, possibly the title might have originated from a popular desire to pay a compliment to its famous captain. At all events so earnest was this gentleman in opposing the measure of the Union, that an armed assemblage of the corps was officially summoned to protest against it; and on the 30th November, 1798, Mr. Saurin caused the following order to issue :\*

"Lawyers' Infantry.—The corps is ordered  
"to parade Sunday next, at 12 noon, at the  
"New Court, in the new regimentals. A punc-  
"tual attendance is requested, as business of  
"the utmost importance is to be transacted.

"(Signed) Stewart King, Adjutant."

But so many persons declaimed against the unconstitutional course of meeting as a military body for the discussion of a political subject, that Mr. Saurin was compelled to revoke this summons; accordingly, on Saturday, December 1st, a countermand appeared :—

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\**Cornwallis Correspondence.*

“ The parade is hereby postponed. The  
“ Barristers are to attend at Chancery Cham-  
“ bers, at 3 o’clock, p.m., on business of utmost  
“ importance.”

(Signed as before.)

The result of this meeting is noticed in the following extract from the letter of the Lord Lieutenant (Marquis Cornwallis) to the Duke of Portland, of December 5th :—

“ The opponents of the measure [the Union]  
“ are desirous to prevent the discussion of the  
“ subject, and leave no means untried to commit  
“ the public in the first instance against the  
“ measure, as subversive of the constitution, and  
“ as such not to be entertained. Pains have  
“ been taken to represent an acquiescence in  
“ its principles as a violation of the oath of a  
“ yeoman, in which he swears to support and  
“ maintain ‘the constitution of this Kingdom  
“ as by law established.’ The Bar have been  
“ most forward in their opposition, and have  
“ this day assembled as a corps—it is under-  
“ stood with an intention of taking up the  
“ question. Should that learned body be so  
“ intemperate as to set an example to the  
“ yeomanry at large, unconstitutional in the  
“ extreme, and dangerous to the public safety,  
“ I shall feel myself called on at the outset to

"meet this attempt to overawe the King's  
"government and the legislature with decision."

On December 15th, the Lord Lieutenant again refers to the subject in a letter marked "secret and confidential" :—

"Your Grace will probably have seen in the  
"papers an account of the violence which dis-  
"graced the meeting of the barristers, and of  
"the miserable figure which the friends of the  
"‘Union’ made on a division of 32 against  
"162. The bankers and merchants are to meet  
"on Tuesday next, and I do not expect a  
"more favourable division on that occasion.  
"In point of indecency of manners and lan-  
"guage they cannot surpass the gentlemen of  
"the learned profession."

It was fortunate for the peace of mind of Lord Cornwallis, that the opposition of the lawyers to his cherished project was not as sustained as it appeared to be at the moment genuine and resolute; but he had nothing to fear. The gentlemen of the long robe were not more deaf then to the voice of reason and of interest than in our time, nor so extravagantly devoted to the maintenance of abstract principles of patriotism, as the Viceroy's anxiety on the subject would lead one to think. Apparently he already knew his men, or else speedily discovered a plan of

becoming intimately acquainted with the true value of these warm-blooded patriots of the forum—an experience which, as we observed, has not since been forgotten by any of Lord Cornwallis's successors. The silencing process seems to have been put in force in this instance with great success, as a foot-note to the passage of the letter just cited curtly informs us that

“ The Union was violently opposed by all “ barristers, except such as then held office “ under the Crown, or were in expectation of “ preferment. Of the thirty-two that com- “ posed the minority at this meeting, all but “ five had before the close of 1803 obtained “ their reward. Amongst them were number- “ ed five Judges (Daly, Johnson, M'Clelland, “ Smith, and Torrens); sixteen County Judges; “ two officers in Chancery; three Commission- “ ers of Bankrupts, and one Commissioner of “ the Board of Compensation. Some of the “ opponents of the Union used language little “ less than treasonable; but they so altered “ their tone that they obtained the highest “ honors of their profession. Of these *Mr.* “ *Saurin* has already been mentioned. *Mr.* “ *Plunkett* was appointed Solicitor-General in “ 1803, and ultimately Chancellor; *Mr. Bushe*, “ Solicitor-General in 1805, and afterwards “ Chief Justice of the King's Bench.”

The Government and the profession, upon that occasion, arrived at an understanding with regard to their mutual interests, which has never since been interrupted nor confused; the beneficial fruits of which continue ripening down to our time.

True, this engrafting of the law upon the Viceregal stem has caused other fruits, neither wholesome nor beneficial, to come to maturity likewise. It has given to what should be a hearty and a manly calling the sickly and dwindle existence of a parasite, caused the members of that calling to vacillate in political principle—to degenerate in character as public men—to decline in intellect and eloquence. The standard of intellectual excellence at the Irish Bar is certainly lower at this moment than it has been at any time for a generation, and no tendency to improvement is yet apparent. The contrast between existing leaders of circuit—between the modern promotions to the Bench,\* and those white-headed veterans of the

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\* As the above is going to press, the following corroborative comments on the condition of the County Courts in Ireland appears in *The Times*. The article especially refers to the Assistant Barristers, or Chairmen of Quarter Sessions as they are commonly called.

“ It must be remembered, however, that they have not, as a rule, been selected on professional grounds, but generally through political influences, and some of them had little practice at the Bar.

O'Connell era who still cling on to their seats there—is so very marked that the difference is not disputed—worst of all, is good-humouredly assented to by junior and rising members of the profession, without even an affectation of self-reproach: it scarcely occurs to them that there is a humiliation in admitting the fact. They will tell you without shame that the modern billiard table upon which their match is to come off, is an easier, a more agreeable one, than the old; that the cushions are softer, the pockets wider; that very little practice

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The good common sense of a country gentleman who finds profitable employment for time, which might otherwise hang heavily on his hands, in the influential position of a County Judge, may be, for the ordinary class of cases, a more valuable qualification than high professional training. The jurisdiction of the Courts, however, has been recently extended to questions of great nicety and importance affecting the property of the country, and it becomes a serious matter for all connected with the land if their interests are to be adjudicated upon by inferior or uncertain tribunals. It is felt that a recruiting of the Judicial Bench would be very desirable if it could be effected. The fact that in one county on the north-east circuit there are no fewer than fifty-one appeals to the Judges of Assize from the decision of the Assistant Barrister is very suggestive as to the estimation in which his legal opinion is held. His is not the only county from which there are numerous appeals. The uncertainty of the sittings is another subject of observation. It was intended and distinctly understood that the Land Courts, which now play an important part in the administration of justice, were to be presided over by permanent Judges, and not by deputies. In three instances at least this pledge—for it was so regarded—has not been redeemed. The

with the cue, and the art of merely "gassing" the ball will suffice for winning of the game ; and it is confessedly less an honorable triumph than a carrying off of the stakes which is their object. .

This is bad enough ; but development of the Castle arrangement has contributed to foster evils of greater importance than even the political prostitution or intellectual degradation of the foremost members of a noble profession. No insignificant share of recent

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learned Chairman of the County Limerick has been incapacitated by ill-health from sitting more than once in six of the quarter sessions circuits ; the Chairman of County Fermanagh, more than twice in six ; and the Chairman of the county Westmeath, more than twice since his appointment in December, 1870. The result is that temporary appointments have to be made to have the duty performed, and this is highly unsatisfactory to all parties. It is hardly fair to the owners of property, or to the tenants, to have their rights submitted to a gentleman who is not the responsible judge. and, however qualified, cannot be expected to possess the same moral weight, or command the same respect as the Chairman. His attention may be distracted by professional pursuits, and he cannot have the local knowledge which may be of great value in deciding between conflicting statements. These remarks apply to counties where the Chairmen do not regularly sit. In others they are so far advanced in years that clearness and acumen are no longer manifest, if they ever were, in their judgments. A ripe judicial experience is an excellent quality, but if it be overripe it is neither agreeable nor salutary. Age, unfortunately, does not mellow the temper or sharpen the intellect."—*Times*, February 26.

national discontents has derived indirectly from the same origin.

Not unnaturally: let it be asked what degree of contentment Englishmen would be likely to feel if they were ruled by a foreign cabinet unfamiliar with the genius of their nation— incompetent, at least hitherto singularly unlucky, in the execution of its legislative functions as of invariably professed good intentions? How would their contentment be enhanced, if in addition the entire domestic administration of the country was entrusted to a family of lawyers, influenced by no other motives than to earn wages of servility from that foreign government; if in every important department of the State lawyers were found in warm possession, all valuable functions being absorbed into the legal family; worse, if every national measure—every popular demand—must come to be compressed and moulded into shape by the narrow mind of the “profession” before it even arrives under the notice of the Executive? Yet in Ireland this is distinctly the case. As directly as from cause to effect it could be shown that the influence of the Bar is at bottom of many recent failures in the Irish legislation of English cabinets.

The law having got astride upon the energies of the country, holds it by right of possession

and farms its property too, like the worst of all landlords, mercilessly for its own selfish advantage. In this it is assisted by the Government, which from motives of equal selfishness, or from sheer weakness and incapacity perhaps, openly aids the law to maintain its position. So entirely does the State at present rely on the profession for guidance, that it cannot now move in Irish affairs unless sustained and assisted by a staff of lawyers ; it must have a crutch to lean upon ; unless with a reserve of legal advice ever ready to hand, it feels neither strength nor confidence to act. Yet Irish legal advice, when supplied to the Cabinet, frequently means mischievous misdirection.

In many cases the counsel given is only that which shall prove profitable to the counsellor, and be agreeable for ministerial ears to receive. Evidences of this abound.

The poisonous trail of the privileged profession is distinctly traceable on the famous Land Act. More than one Irish judge was applied to for advice by Mr. Gladstone at the crisis of that statesman's "amnesty difficulties," and the result was imperfect action—confusion ; first a hesitating refusal of the petition in favour of the prisoners, afterwards a qualified compliance with its prayer, which, like all half-measures, only succeeded in giving general dissatisfaction on both sides of the channel.

The recognized directors of ministerial action in Irish affairs are, according to established usage, the Attorney and Solicitor-General for Ireland of the time being; but in an exceptional case, such as that which existed when the late Attorney-General had the portal of St. Stephen's slammed in his face by a Fenian combination, Government is not above listening to the counsels of such non-official barristers as happen to have seats in the House.

Strange guides these non-official members of the bar and members of the House sometimes prove themselves to be.

As a barrister of any sort qualified by a seat is morally sure of the bench, it follows that all barristers who can, get seats, and obtain them more easily than other men, for reasons before stated. But when a barrister finds that in right of a seat he also wins a share of the confidence of Government, beholds himself suddenly called to fulfil offices of statesmanship, he not unnaturally loses his head or wits, and gets led astray by the besetting sin of all amateurs—an overweening vanity.

Can it be matter of surprise that in Irish affairs the administration is rarely out of a puzzle, considering the obscure general practitioners and audacious quacks whom it invariably seeks for consultation and advice? Blind

leaders of the blind these often prove, yet occasionally an open-eyed leader of the blind appears upon the scene, and then 'tis worse confusion ; for when he leads or directs the Government, it is by no means for its benefit or profit, but for his own. No wonder that this system should continue to work harmoniously, as it is cemented by the bond of a mutual selfishness, and is productive of equal advantage to both sides.

Not only is the destitute, briefless, class of barrister well provided for thereby, but even the ornamental members, that fringe of dilettanti which in Dublin as elsewhere, attaches to the skirt of the profession, becomes in consequence the object of Viceregal providence. None of the supercilious gentlemen, therefore, who compose this contingent regard the future with anything like apprehension.

As an illustration, regard the position of the amiable Mr. Stephens Green ; notice how apparently indifferent he is to professional prospects—how free from anxieties upon the subject. He does not exhaust himself in study ; although an abundant consumer of gaslight, he burns no midnight oil. He is just waiting for an opportunity of getting into Parliament, and meanwhile enjoys the passing hours—employing himself at a variety of graceful and instruc-

tive pursuits, but at billiards chiefly. He can twist off the spot, indifferently into the right or left hand pocket and does not care into which hand pocket it is. By and by he will handle the political cue with equal dexterity—with equal freedom from any sort of scruple ; but for the moment his conscience has not quite decided in what political direction the true road to salvation lies. At present, he rather lives in a state of political irreligion, like those princesses of certain German royal houses who cannot make up their minds to be either Protestant or Catholic until they receive a proposal of marriage from a heterodox or a true believing prince. In the same amiable spirit Mr. Stephens Green is open to treat with either Orangemen or Papists for the ultimate prize of his hand. He has no strong views, and never commits himself. He is the friend and associate of the elegant and accomplished Mr. Dangle. They are fellow-students, and assist each other to pass the time. Mr. Dangle is cousin to Lord Lackadasie. This gentleman never had much inclination for the law, and but for an accident of family interest would probably not have entered its ranks ; however, since the extension of the mustache movement there, he regards it as a not unbecoming pursuit, and is quite reconciled to the profession. He is a

handsome, fashionable youth of gentle and refined pursuits ; supercilious, well-mannered, well-bred, perfect, and exceedingly vain of his person. It is part of his business to call at a Grafton-street establishment in the afternoons of the season, to have his gloves squeezed on by the simpering young shopwomen who assist at the counter there. When the supply of French kids ran short during the war, he was a pitiable object, and ruefully surveyed his well-bred hands disfigured in the home-made article. On the whole it may be difficult to make Dangle a judge, as vanity renders him impracticable : he would, for instance, as soon think of riding in a penny omnibus as of shaking hands with an attorney ; but, though not a judge, the Lackadasie interest is good, and it will be easy to enrich the happy gentleman with such a fine bunch of small offices that their aggregate salaries will not be much under the income of a puisne judge.

Honest Mr. Delver looks on with a jealous eye at both Stephens Green and Dangle, and feels that, notwithstanding his application and learning, they will both surpass him in the race. Delver is an antediluvian, who clings to a belief that attachment to law books is the road to professional advancement. He is becoming gradually disabused, however, and the suc-

cesses of that eminent counsel, Mr. Vapid, have nearly broken Delver's honest heart. Without either a genius for oratory or a vocation for law—without being either learned, cultured, well bred, or young and elegant like Stephens Green and Dangle, this gentleman has shot over them both. The law was an after-thought with him ; he was already middle-aged when he entered its ranks : it never would have even entered his mind to do so, but for the unexpected good fortune of a distinguished relative to whose professional tail he proposes to attach himself. Yet when forsaking the settled routine of an insignificant but safe position in the world, to face in maturer years the risks of a profession, it did not enter Vapid's dreary brain to desire to be anything better than a parasite. He never had an illusion in all his life, nor ventured to intoxicate himself with fancies of being rich in any of those special gifts and attainments which might raise him in a new career. He merely invested himself with the barrister's gown because it was the uniform in which his interests could be best advanced by very fortunate legal connections. He only desired to fasten on to another man's reputation in the received and orthodox fashion—nothing more.

It was therefore an immense surprise when an unforeseen accident came to lift him at

once over the heads of many a legal senior and superior. One lucky day he happened to fall into the good graces of a good-natured parish priest, who in the plenitude of parochial omnipotence decreed right off that the eminent counsel should become a British legislator. Mr. Vapid was thrust into parliament on the votes of a subservient constituency, and his fortune was made at a stroke. Having a seat in the House, it may be said that his period of professional suspense is now over. He belongs thereby to the upper ranks of the profession, and will be an ill-used individual if not presently seated on the Bench beside his well pensioned relatives: for in Ireland judgeships invariably run in families, or in sets, the members of which inarch one upon the other, and in that scientific way lend each other a mutual support—attain to a uniform development of prosperity.

There is nothing like being in the right groove for promotion in Dublin: it is like tapping a vein in a mine out of which come rich flakes of precious metal at every stroke of the pick. It means either having relatives already on the Bench, or being attached to a strong clique of Government attorneys, which is perhaps better. A good town attorney connection not only brings business in a legitimate

way, as in London, but in Dublin confers besides influence and position—position in a political sense on the fortunate barrister. It establishes him as a political personage, and is even better than having complaisant judges for your kindred—is in fine everything but the supreme lot.

The supreme lot is to become the well-beloved of a leading parish-priest, who, as in the case of Mr. Vapid, shall nominate you for his pocket borough.

In England, where mere professional position counts for promotion, judges are virtually appointed by the attorneys, who by distributing business bring the best men forward into public notice. But in Ireland, where professional position is of comparatively little value, and where politics count for everything—where “le savoir vivre vault mieux que le savoir,” judges are not unfrequently made by influential parish priests, who capriciously pick up an adventurous barrister, as in the case of Mr. Vapid, and by mere weight of sacerdotal influence, raise him into the House.

Here is another type of Irish barrister.

Mr. Mulligan, Q.C., direct and lineal descendant of the O’Mulligan of Ballymulligan—the genial friend of the late lamented Michael Angelo Titmarsh—is quite of another race and nature.

Mr. Vapid is the silent unobtrusive individual, who, conscious of many personal deficiencies, desires to slide upwards to the Bench without making any noise, and if possible without causing scandal. He is by nature diffident and retiring, and except when necessity compels, never emerges from the obscurity which becomes him best, and which he loves. He aims at being nothing but another man's shadow, and certainly has not the demerit of being swollen with self-conceit. But the Mulligan is a florid impostor who does not care how much noise or scandal he creates—is indeed never easy unless when attracting public attention or tumbling before an audience. His position with the Castle is probably a good one; many of his kindred may be in positions of dignity and influence there, yet it does not prevent him from seeking to stand well with the popular party also. He is an intemperate spouter, and quite as vain as ambitious. To swagger in country quarters on circuit, as a tribune of the people, successor of "The Liberator," and saviour of his bleeding country, is ticklesome to his meagre vanity. He assumes to be a strong nationalist, which in Ireland is always a strong term. When a vacancy occurs, he appears on the scene as candidate for the Great Blunderbuss County,

and makes ranting gunpowder speeches from the hustings there—

“Talks plain cannon fire, and smoke, and bounce”—

slips a green scarf over his silk gown, toasts and cheers those victims of British law and English tyranny—the convicted Fenians, or other political martyrs—uses language which just skims the brink of treason, and as a consequence becomes extremely popular.

Instances have been where mountebanks of this class have performed their parts so cleverly as even to beat authentic Fenians and nationalists out of the field in electioneering contests.

There is a story about a barrister of the Mulligan type, who during the Fenian excitement was trying at the hustings to make capital out of a previous professional defence of the Fenian prisoners. It happened that the gentleman was closely connected with a leading law officer and a special commission judge, who in the popular mind were supposed to be bitterly hostile to the political prisoners.

The fact furnished an adverse elector with an opportunity of making this rejoinder: it was a knock-down blow to the learned gentleman's point about having defended the convicted Fenians.

“Yes, you defended them,” an elector calls

out from the crowded assembly, "and your " brother-in-law, Mr. ——, prosecuted them ; " and your other brother-in-law, Judge ——, " tried them ; and you—you, Mulligan, de- " fended them ; no wonder therefore that the " patriots are where they are."

When the Mulligan appears in the House, he will perhaps have to tender some apology at first for the discreditable artifices which he had practised to get in there ; but the best excuse or justification for him will be that he is an Irish barrister, and that he has been successful ; these attributes will in ministerial eyes excuse any degree of vulgar extravagance. We imagine a learned gentleman entering parliament after having managed, say, to rescue the representation of a great county from the hold of a rebellious mob, damaged perchance in some degree by the necessary wear and tear of a plebeian contest—by the rough ordeal of buffoonery through which he has had to pass—we can suppose that on account of this, or rather in deference to English opinion, the sensitive Mr. Gladstone, the prudish Irish Secretary, even the decorous Mr. Fortescue, may have to look grave for a session or so, to keep their eyes averted in dignified reserve—

"Tantaene animis cœlestibus irae"—

but it is plain that time, the peacemaker, will

do its kindly office for the delinquent Irishman in the end ; and the Mulligan need never despair of seeing these severe official visages ultimately relax into smiles and forgiving welcome. The substantial services which at a critical juncture he had rendered, will be counted up with interest ; the sins committed on the hustings or the platform shall be condoned or gradually forgotten, and the Mulligan will blossom out in due season a staunch government man, in full enjoyment of the confidence of his party leader. He will electroplate the native brogue with an English accent of newest pattern, and stand forth heir presumptive or apparent to the Solicitor-Generalship —a judge in petto—Chief Justice perhaps—Lord Chancellor not impossibly ; for according to the judicial standard which prevails at the Irish Bar in modern times, any advancement is possible to professional mediocrity.

An instance of the way in which governmental functions are assumed by the legal confraternity in Ireland, is aptly afforded by the singular proclamation which put the last of the two fierce Westmeath Acts into operation. This document, purporting to issue from the Lord Lieutenant and Privy Council, is headed in the usual form—

“ SPENCER.

“ Whereas, by Part I of the ‘ Protection of Life and Property in certain parts of Ireland Act, 1871,’ ” &c., &c. [The document is signed by the Privy Council, that is, by four lawyers who are put forward as representing that body. It concludes with these words :—]

“ Now we, the Lord Lieutenant General and General Governor of Ireland, by and with the advice of the Privy Council of Ireland, do direct and declare,” &c.

“ Signed :

“ Frederick Shaw. Edward Sullivan, M.R.

“ J. D. Fitzgerald. Charles R. Barry, A.G.”

Here a measure only next in severity to martial law—an act superseding the constitution and abrogating personal liberty—is inflicted on the country by the mere command of a group of lawyers.

These official gentlemen represent the Privy Council. In truth the Privy Council itself is for every practical purpose composed exclusively of members of the paramount profession. Observe, for instance, this notice of a recent assemblage of that body taken at random from one of the daily papers :—

“ A meeting of the Privy Council was held yesterday in the Council Chamber, Dublin

“ Castle. There were present: His Excellency,  
“ the Master of the Rolls, the Right Hon. Fred-  
“ erick Shaw, Bart., the Right Hon. the Lord  
“ Chief Justice of the Common Pleas, the Right  
“ Hon. Sir Joseph Napier, Bart., the Right Hon.  
“ Mr. Justice Fitzgerald, the Right Hon. Mr.  
“ Justice George, the Right Hon. the Attorney-  
“ General.”

Lawyers every one! However, even from the ranks of the Bar Government might have selected fresher names than the above quartette to attach to the Westmeath Act—names which enjoy a lesser degree of notoriety, which in popular judgment would not look so cuttingly appropriate when affixed to a mischievous instrument of Viceregal tyranny.

Three of these four gentlemen, fortunately for themselves at least, happen to have occupied prominent positions in the treason-felony trials of recent years. The one as a special commission Judge; another as the persistent challenger of Catholics on jury panels; the third, not only as the keen crown-prosecutor of his former brethren the Nationalists, but as the glib reviler of his countrymen likewise.

This last signatory to the Westmeath proclamation, the late Attorney-General, is indeed the most remarkable personage of the group. He first appeared in public life as an extreme

patriot, and as thorough Nationalist\* triumphantly entered Parliament on the shoulders of the people. In other words, first obtained a seat in Parliament by coquetting with the Fenian vote, and lost it afterwards through the hostility of the same interest, when seeking in practice to combine the patriotic aspirations of a Nationalist with the instincts of a Crown-prosecutor. Popular vengeance reached him immediately then, and with a directness of action which it does not often attain. Notwithstanding his Attorney-Generalship he continued up to the hour of his recent elevation to the Bench to sigh in vain for the opportunities of parliamentary life—to wear the crown of martyrdom which the Dungarvan defeat had fixed upon his brow. His expulsion from the House remains on record a permanent triumph to the Nationalists. By thrusting a prominent delinquent from the representative ranks they exhibited strength, and established their influence by continuing to keep the Attorney-General for session after session in a

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\* In the reports of Mr. Barry's speeches on the occasion of his first Dungarvan candidature, we find that he told the electors "he "had sucked in Nationality with his mother's milk, and had been "rocked to sleep in his cradle lulled by the music of Moore's "Melodies." He afterwards declared, as Crown-prosecutor, that the Nationalists had intended to assassinate the bishops and the priests: he has since been raised to the Bench.

state of purgatorial existence—in limbo as it were—promenading the lobby of the House, like the peri of the poet, casting longing eyes through the half-open portals of the forbidden paradise.

Yet from the narrow professional point of view, Mr. Barry has ground for complaining of harsh treatment at the hands of those revengeful Nationalists. After all, he was no worse than other adventurers of the species. He merely fell into the working of a system which lay ready made to use. Many a backslider equally flagrant has had greater offences quietly condoned by public opinion without incurring any sort of retribution. At this moment quite an array of ermined Nationalists preside at the Four Courts by the Liffey's shore—of learned lordships now converted from the errors of early ways, but who once had worn patriotic breast-pins, robed themselves in green scarfs, and sang Moore's Melodies to electoral assemblies, as unblushingly as ever did the Attorney-General or any of his modern brethren in law. There is a line in one of those famous lyrics—

“Unhonored her sons till they learn to betray”—

of which many an actual ornament of the Irish Bench, in his own person evidences the truth of. All agitations within memory, from Repeal,

down through the ranks of Young Irelandism, Phœnixism, Fenianism, have supplied a uniform contingent of professional agitators and artificial patriots to the Irish Bench. From Mr. Justice Keogh, whose startling Westmeath speeches of twenty years ago are still well remembered, down to the most recent elevation to the seals and a peerage—Lord O'Hagan of Tullahogue—they have been all alike.

The Lord Chancellor's distinguished case is, however, in one sense peculiar. It is notorious that his lordship entered politics as a Nationalist—as a distinct Federalist. He was the friend of Mr. Duffy, of Mr. John Mitchel the exile, of Mr. John Martin the present member for Meath, of all the leading '48 men. Later at the Bar, he became first famous as the noisy defender of the persons implicated in the pre-Fenian Phœnixite conspiracy, yet managed nevertheless to pick steps so cleverly through the mire of Irish patriotism, as scarcely to have moulted a feather from his fair fame, where less circumspect, and also less successful, adventurers have shed every quill from the plumage of reputation.

Happy are those who succeed in so picking their professional steps: an exceptional combination of circumstances, supplemented by extraordinary personal dexterity, is requisite

to accomplish it. The rule appears to be, that if a man does not give up a principle in politics he must do so in something else in order to qualify for office ; that if his conscience is not elastic, if he will not surrender some settled maxim of life—professional preferment will come slowly, if at all.

To say this in terms is scarcely an overstatement. He must do something to distinguish, if not to brand his name—that which in another vocation of life would tarnish his reputation or cling to it as a taint. The good taste of the profession, however, does not permit that prominent barristers shall as public men be arraigned by the narrow maxims of an ordinary morality.

As an example of the apparent necessity of inconsistency in public life to qualify for office, take the startling one which a tolerably recent appointment to the Irish Bench affords. We shall not give the name in this individual case, although it is a perfectly fair one, as the incidents of this gentleman's public life are before the world in an unequivocal, most evident way, and much concerned with his public life, as everything connected with his private or professional character is worthy of respect. He therefore affords a perfect illustration of the degrading method of promotion which prevails

in the Irish capital. An excellent judge, an accomplished lawyer—a staunch Protestant ; and in the legal sense a thorough liberal. Moreover he had never been a political acrobat. At no time of legal or parliamentary practice did he soil his hands with professional politics in the vulgar sense. He did not intrigue with mobs or pander to their excesses, nor win either influence or laurels as a platform orator. He had never even preached treason or insinuated assassination to obtain the suffrages of rural constituencies. He was neither a Repealer nor a '48 man. He did not wear the green scarf, nor wave the green banner, but simply pursued a distinguished professional career, without descending to any of the ordinary political artifices of the profession—of Catholic patriots, or of liberal Protestants of an ordinary type.

Yet he attained the Bench—became, moreover, the recipient of extraordinary governmental favors.

Alas ! even this case will not bear the microscope. This gentleman, too, had qualified for office by a recantation. A glance at the leading features of his career as a public man will show that there was nothing abnormal in his promotion—that it was simply the reward of an amiable compliance—of a compromise with con-

science, and therefore quite within the limits of the sacred system : according to that recognised practice which we characterize as having acquired the exactitude of a rule. Although not a politician in the disreputable sense, he too had committed that sufficient inconsistency in public life which qualifies a recipient for the favors of the Castle.

His case affords, indeed, a most remarkable and instructive example.

This actual judge, was in '57 a foremost lawyer, and stood then as candidate for the University of Dublin. He made a speech upon that occasion, and was so enamoured with the principles enunciated therein, as to yield to friendly solicitations, and publish it afterwards in the form of a pamphlet. Such, at least, is the explanation of its publication which he volunteers in the preface.

This pamphlet is a spirit-stirring—an able performance—a brilliant and independent piece of eloquence, not put forward merely to catch the voices of electors, as the orator himself is careful to affirm, but manly, direct in tone, ringing with the genuine virtue of sincerity. The lawyer is not speaking for an object or from his brief ; but the man speaks from the heart out. He is not uttering sentiments which were merely adopted for the exigencies of a

platform, to catch the palate of a Protestant and Conservative audience, but because they were truly his principles—the principles of a life time. He says so distinctly :\*

“ But they all know this, that the principles which I now advocate have been the principles of my life. I have not put them on for this occasion ; but I have to state and to vindicate those principles which are the honest convictions of my heart. It never shall be said of me with truth, that my performance hereafter has been different from the professions which I made upon this hustings, and therefore I am cautious of making them too high sounding.”

There is no quavering about this declaration ; it has the genuine flavour of modesty and truth. The orator is evidently restrained by a sense of conscientious responsibility, and has reflected on the value of every syllable which he permits himself to utter.

Having thus mounted on a becoming pedestal of integrity, he proceeds to enunciate, also to elaborate and define, the principles which are *those of his heart and life, and have not been put forward for an occasion.*

“ Gentlemen, I am a sincere and devoted

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\* Speech delivered at the Election of Members for the University of Dublin, 30th March, 1857.

“member of the Protestant Established Church  
“in Ireland. I was born in her bosom, and in  
“her communion. My nearest relations and  
“dearest friends are clergymen of that church,  
“and it would be strange indeed if I were the  
“man who would be disposed to aim a blow  
“against the Church which I love, and which I  
“revere. (*Cheers.*) The very first question I  
“was asked when I canvassed some of the  
“members of this College for their support was,  
“Are you prepared to uphold the integrity of  
“the Established Church? My answer was,  
“unhesitatingly, I am, and as unhesitatingly  
“their support was given to me. (*Cheers.*) And  
“should I be chosen as your representative, I  
“pledge myself upon this hustings to maintain  
“to the utmost of my power the revenues of  
“the Established Church intact and inviolate.  
“(*Loud cheers.*) And though I am told that I  
“came forward as the supporter in all respects  
“of Lord Palmerston, yet I have no hesitation  
“in stating to you that I shall, if elected, op-  
“pose to the utmost of my power *that measure*  
“*which was recently before Parliament*, for  
“taking indirectly what would not be attempt-  
“ed to be done directly—a portion of the re-  
“venues of that Church. (*Cheers.*) If I enter  
“Parliament I enter ‘*nullius addictus jurare*  
“*in verba magistri*’—I enter an independent

“ man ; and every measure calculated to injure  
“ the Church, or encroach upon its revenues,  
“ would have my strongest resistance.” (*Cheers.*)

As if under an impression that this declaration was not in itself sufficiently clear or sufficiently comprehensive—as if to remove any possibility of doubt concerning either his sentiments or his pledges—he reiterates both in this eloquent, this brilliantly poetic passage :

“ It has been gravely said that I have given  
“ in my address no pledge for the maintenance  
“ of the Establishment—that I was the first  
“ candidate for this University who came for-  
“ ward unpledged to the support of the Church.  
“ Gentlemen, I did not need to make that  
“ pledge. You remember the legislator of old  
“ who was asked why he had allotted no pun-  
“ ishment in his laws to the crime of parricide,  
“ and he answered, because he did not believe  
“ it possible that such a crime could be com-  
“ mitted. (*Cheers.*) Was I in coming before  
“ you to negative the monstrous supposition  
“ that my sacrilegious hand could ever be raised  
“ to take away the life of that Church which  
“ gave to me my own ?” (*Cheers.*)

When the author of this pamphlet had duly obtained a seat in Parliament, and when the occasion presented itself—he voted for the disestablishment of the Church.

Early in April, 1868, Mr. Gladstone made his first advance on the Established Church. He forced on the division on the famous "Resolutions," and this zealous Protestant confessor with true professional morality, went into the division lobby with his chief. Moreover, he made a speech upon the antecedent Church debate from which we extract a few paragraphs for the entertainment of the reader.

Addressing the House upon this question, he argues as follows :

"No one had defended the Irish Church "upon its merits, and therefore it was not "unreasonable to suppose that it had no "merits on which it could be defended.

"It was very difficult to discover what were "the arguments in support of the Irish Church "Establishment. Protestant gentlemen of high "rank and station had held meetings in Ireland "in its favor. What did they demonstrate ? "That the Protestant population of Ireland "possessed a sufficient amount of wealth to be 'able to maintain their own Church if deprived "of the advantage—if advantage it were—of "State support."

Here is a passage conveying a sarcasm both on himself and on his leader—the right hon.

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\* *Hansard*, vol. ix cl. Speech on the motion for a Committee, Established Church (Ireland).

gentleman at the head of the Government. This is all the more stinging because evidently unintentional and probably unperceived.

“ The right hon. gentleman at the head of “ the Government had given the House, during “ last session, *a very remarkable illustration of* “ *how rapidly, under the process of education, an* “ *opinion of one character may change and* “ *become an opinion of quite a different charac-* “ *ter.* Public opinion demanded an imme- “ diate consideration and decision upon this “ Church question.”

That under “the process of education” the orator’s own opinions on the Establishment had undergone a change since 1857, was testified in the clearest language.

“ The existence of the Establishment, more- “ over, introduced a taint of rancour into “ almost every question that was discussed in “ Ireland. The disestablishment of the Church “ would not only take away this taint, but “ would, he believed, be of incalculable advan- “ tage to the vitality of the Protestant religion. “ Let them not excite the anger and animosity “ of rival creeds, but let them have confidence “ in the religion of which they were adherents, “ and fling aside *the artificial supports* which, “ instead of sustaining their Church, had really “ hindered its healthy and vigorous action.”

Englishmen, in their unacquaintance with political precedents in Ireland, might employ strong terms in commenting upon such a change of opinion; but according to a legal standard of public morality it would be regarded as nothing more than a customary or necessary act of inconsistency. Had there not been a lapse of time? Fully ten years have intervened between the speech at Trinity College and the speech and vote at Westminster. Ten years! An eternity in the life of legal politicians. There is scarcely an instance of an Irish legal patriot of ten years standing who has not attained high promotion. Ten years standing! the term of professional service necessary to qualify for a senior judgeship.

This champion of the Establishment did direct his sacrilegious hand against the life of the mother who gave him his own. Moreover, he rifled the maternal corpse after having committed the crime. This, however, was mere prudence: once a man recants it would be silliness to abstain from touching the fruit of his apostacy afterwards.

Having changed his opinion through "a process of education," he duly became a judge: it was his right after having qualified in the above fashion. But in addition to being a judge, he became also a Church Commis-

sioner under the very matricidal act which he had so impiously assisted to frame. This was rather better than could be counted on at first. As Church Commissioner he touches £2,000 a year in addition to the judicial salary, and consequently appears now as a criminal anatomist who, we shall suppose, is splendidly rewarded for making a post-mortem examination of the victim which his own hand had immolated. He still continues to exercise the agreeable but unnatural office—to supplement the judicial stipend with that inherited by the demise of his spiritual mother.

Here, however, a grave constitutional principle is compromised. The anomalous position which this Judge fills is calculated to compromise the independence of his legal office. The Church Commissionership which he enjoys is not an irremovable emolument, held for tenure of life, but remains only by consent, or more correctly, by favour of the Government. Manifestly no more dangerous innovation could be introduced into the judicial system than this—nothing so likely to compromise the Bench in popular estimation—than that a judge should enjoy a handsome salary removable any moment at the will of the minister.

In ordinary course of business a critical case may come for trial before such a judge; he may

be selected to try an election petition at any moment, where the candidate of his party claims an important seat at a political crisis, and in which a decision will rest altogether with the discretion of the judge. Is it not unseemly that so high an official should be placed in a position of temptation—or unwise that he should look as if placed in such a position—that he should appear to run the risk of losing a valuable appointment, if he were to offend the ministry by deciding against their partizan? Suppose, for instance, that it fell to the lot of such a judge to try an election petition arising out of such a hot and eager contest as the late Kerry election? No matter how upright he was, the defeated side would under such circumstances be sure to cavil at his decision. If that were for the Government partizan it would be said and believed that fear of losing his Commissionership and not the merits of evidence had influenced him. It is no answer that in the case we refer to such an allegation would be manifestly absurd. The popular party in all countries has a leaning to the side of such absurdities; an accusation of this nature, if not made openly, would be whispered about, and so do all the mischief which is within the scope of secret calumny to accomplish. At any rate a dangerous precedent has been established in

the case of this judge, and who can tell what manner of man may be the future tenant of a duplicate office open to so much suspicion.

The entire professional and judicial status in Ireland must however remain a mystery, for an enquirer who expects to find consistency in its method or uniformity in its features. Individual instances might be multiplied without other result than to create a deeper degree of perplexity; but whoever desires to gain a general idea of the salient features of this Irish abuse, has but to contrast the workings of the English and Irish judicial systems, and estimate the different tones of professional opinion which at opposite sides of the Channel prevail on the same subject.

The professional income of an English barrister of sufficient rank to aspire to a judgeship is always considerably larger, in many cases is double as large as the salary attached to the judicial office.

In every case when an English barrister goes upon the Bench he makes a sacrifice of income by the uprise, and then merely exchanges from one species of hard work to an equally exhaustive, and a more responsible, form of it. No repose comes with promotion; he loses income without gaining leisure. He does obtain security and prestige, some increase of personal

dignity, and for this is willing to undergo a handsome sacrifice in money. Many English judges work as hard as any barrister in full practice. Under no circumstances is the office a sinecure: even the minor judicial positions in England have pressing duties attached to them. The county court judges have to get through an amount of work which would seem incredible to Irish notions, and would give an Irish chairman of quarter sessions the rheumatism merely to contemplate.

In Ireland all this is reversed both in theory and practice. The salary of even a puisne judge is in every case greater than any income which can possibly be obtained by legitimate practice at the Bar. The foremost man at the Irish Bar cannot earn more than £3,000 a-year apart from public money and official salaries. He cannot for two reasons: because the business is not there to be done, nor is the scale of fees sufficiently high to afford greater remuneration for his services, even if they were fully employed. The incomes of many foremost men are considerably under this figure.

It is not in any sense an overstatement to say that every man going on the Irish Bench doubles his previous professional income by the promotion, and many quadruple it. The advancement means for an Irish barrister a rise

to an opulence otherwise practically unattainable. He goes from work to repose—from comparative obscurity to the highest degree of dignity and influence which it is within the scope of any professional man in the country to reach. He not only obtains security, but becomes at once an aristocrat of the capital—an adviser of the Castle—a governor of the country. When he travels circuit it is a species of royal progress in miniature or caricature. Every twopenny official, every underling and overling of the district, is before his Lordship. Attorneys, mayors, sheriffs, grand jurors, corporators, are all in a bustle, which pleasantly contributes to his importance. If happily it be a period of political excitement, extraordinary ceremony is observed. If a special commission sits in a provincial town, the judge travels through the streets there like a general of division. The sabres of dragoons and mounted constabulary surround his carriage; a squadron of horse is at his orders to guard the court-house during session. When he charges grand juries, his words are regarded as the utterance of an oracle, are caught up and commented upon in leaders in the London papers, and sometimes brought under notice of the House. No matter what the political position or the antecedent political manœuvres

of the lecturer on the Bench might have been, nothing is remembered against him after the fact of promotion. The judicial robe is invariably regarded as a garment of innocence or of charity, which hideth a multitude of sins. It is a symbol of condonation ; and once the Government condones, it is regarded as “bad taste” to remember, much less allude to, the personal history or ante-promotion vagaries of the occupant of the judgment seat.

In fact the Government exercises a spiritual as well as a temporal power in Ireland.

To such an abject state has society fallen there, that the Castle usurps the pretensions of the Vatican, and has power to bind and loose in a social sense. It is competent to endow, to dignify, to pamper its favourite, even before the world to wash him white from political leprosy—to give, as it were, a clean bill of health—to re-establish his character no matter how damaged it may be, or how deservedly bad his reputation.

Let anyone measuring the full value of an Irish judgeship, consider what an immense prize it is ; how easily obtainable by only a sacrifice of character and principles, and then, remembering that the Castle has about forty-eight of such sinecure offices to give away amongst a needy professional class, consider

what a weapon of political corruption the legal system provides. Who will be surprised that so many promising young Irishmen choose the native Bar for a career, notwithstanding its little real business, and, compared to the London profession, its insignificant and provincial character. Whoever regards the subject will only wonder that the ranks of the Irish Bar are not yet more closely packed, and that any youth who measures the opportunities of advancement presented to him there, can resist the allurements of such a temptation.

Lately, however, a change in the conditions of the system seems to be approaching. A cloud is poised over the happy hunting grounds of the profession, which may burst into a tempest at any moment. Already the people seem active, alert; and in the new-born earnestness of latter day movements, barristers seems to be much out of their usual luck, have especially fared ill with nationalist constituencies.

Not a few of the body have incurred disasters in recent election experiments, although assisted in the details of a canvass by what was formerly considered overwhelming clerical support; and prospects of the immediate future are not encouraging for them. Coupled with the modern revolutionary cry of "no priest in politics" has come the more alarming one of "no bar-

rister-patriots in politics" either. This is the more remarkable, as the litigious character of the Irish people, together with an inherent fondness for oratory, gives them a natural inclination towards the profession of the law.

Notwithstanding its manifest political degradation, the native Bar was in one sense up to this almost a national boast. Its traditions have always been referred to with pride. Some of its members were the most gifted and illustrious, as well as most honorable, men that the country ever produced; and it is worthy of note that in the last remarkable case of the expulsion of a leading law officer from an Irish borough, the rival who drove him from the field was not only a stranger—an Englishman—but also a barrister, a member of the English Bar.

But the people have learned that the loud-professing lawyer of the nomination platform invariably changes nature the moment he lights on an opportunity of doing so with impunity and profit—that from the quasi-rebel camp he not only shifts to the side of Viceregal law and order, but like other converts, often becomes the acrimonious persecutor of the forsaken party: changes into a supporter of the law established, even hunts down the people as the leading blood-hound of that law once the silver collar of office is fastened about his

neck. Being of mongrel strain, he has like all cross-breeds a gift of energetic malice which delights in whetting its fangs upon the very class from which he derives—which had first promoted his advancement.

This flagrant system of manœuvering has at length scandalized even the lax public opinion of Ireland.

It is as if a sheep dog which, running with the rest of the flock, had been recognized as a legitimate guardian and protector, treated as one of its members, were to change into a wolf, and turn suddenly upon the fleecy companions of its youth. Irish public opinion has at last gathered something from experience, is beginning to cry out, “Ware wolf!” and is especially suspicious of that variety of the wolf species which roves about in sheep’s clothing—in a wig and gown on circuit, in national colors in electioneering contests, and in black silk tights at the Castle levees.

In a country subject to periodical spurts of semi-determined rebellion—where an atmosphere of latent treason penetrates the lungs of every inhabitant — opportunities of practice abound for a man of this type. There is always a popular party to be cajoled and betrayed, and a governing clique with which the cajolery or betrayal counts for excellent service. State

prosecutions of some sort are perpetually going on ; and as political prosecutions without convictions mean failure and defeat, an average supply of "crown verdicts" must be secured in order to support the prestige and authority of the law. In plain language, victims are wanted—examples of executive force by which to counterpoise or paralyze the irrepressible machinations of indigenous treason-mongers ; and as such examples can only be obtained with a business-like certainty by packing jury boxes, juries must be packed. Under certain phases of Governmental difficulty, juries have invariably been packed. In his apology for being compelled to yield Catholic Emancipation, Sir Robert Peel makes the following important admission upon this subject : \*

" If there were seditious libels to be punished, " or illegal confederacies dangerous to the public peace to be suppressed, the offenders could " be only corrected and checked through the intervention of an Irish jury, little disposed, " if *fairly selected*, to defer in the time of political excitement to the authority of English opinion."

The inference drawn from the condition of being *fairly selected*, is a startling one, when we

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\* *Peel Memoirs.*

consider the high authority who speaks. It suggests that within the knowledge of Sir Robert Peel different methods of obtaining convictions had been experimented upon. But in addition to a well-organized jury-box, it is necessary to provide testimony of an apparently independent character. Therefore witnesses must be suborned; and as a barrister who connives at the manipulation of a panel or the "coaching of a witness" remains for ever a marked man, subservient barristers of damaged political character must be purchased or provided for.

This is the perfected mechanism ordinarily employed for securing political verdicts, the operation of which was as thoroughly exemplified in the details of past Fenian prosecutions as in any dark passage of remoter judicial history. Complaisant jurymen, spies, informers, and Crown prosecutors—truly history repeats itself.

No apology is necessary for confounding these different functionaries in one odious confraternity or co-partnership.

Though the individual characters of the persons engaged may be widely different, still they are implicated equally in the same doubtful business, and are naturally surveyed by the

populace with suspicion and distrust. Nor is this inexcusable.

When a learned and honorable gentleman appears in a public court as the vindictive prosecutor of a batch of deluded political prisoners—victims who stand arraigned for attempting in their own ignorant way to carry out in practice those patriotic sentiments which, upon the hustings, the gentleman may have himself professed—bystanders cannot be expected to discriminate between the personal merits of the different actors engaged in the dramatic performance of a political trial. What wonder if the learned gentleman and the swearing reprobate, the flippant spy or informer, are confounded in popular judgment, as merely component parts of a Castle device for obtaining assured convictions, if an uneducated spectator should be unable to recognise any difference between the vulgar scoundrel—the professional swearer—who glibly delivers a garbled testimony in the witness chair, and the right honorable crown prosecutor, but *ci-devant* patriot, who is deftly putting him through his paces.

Such exhibitions serve but to intensify the lesson—to impress it upon the popular mind.

In every case the upward progress of the political barrister is the same. The fiery patriot of the platform subsides with unerring

regularity into the placid placeman. "Of such stuff are our heroes made." No wonder if public opinion has tired of such stuff, and of such heroes, and of the venal brigade to which they belong.

"What ! the country refuses to return us to "parliament," a gentleman lately exclaimed in the hall of the Four Courts—"then is dooms-day near. If we can't get into the House, "Government must disestablish the Bench—"the judgeships will be abolished—and after "that the deluge."

This sentence contains the entire of the law and the prophets; it is an explanation of the Irish judicial structure, and also points out the remedy which the people have in their own hands. If electors once for all refuse to vote for barristers, then the well-padded places by which lawyers are silenced and rewarded must disappear one by one; the judgeships, pleasant chairmanships, and commissionerships, are doomed.

It is not, however, probable that any cabinet will of its own motion incline to lay a sacrilegious hand on the ark of the Irish law establishment. Even the most cheeseparing administration must pause before meddling with an institution which has often been found a

convenient abuse by the authorities at the Castle and Irish office.

No intelligent Irishman requires to be told that a judge is not a judicial necessity ; nor does any judge feel that he has been raised to the Bench merely to perform the presidential duties of a necessary court—

“ *Deus nobis hæc otia fecit,*”

as somebody once chalked underneath the royal arms over the portal of the Temple of Themis in Dublin.

The languid courts there are sometimes closed for days even during term. Suitors are few ; and in order to extenuate a meagre business over an allotted surface of time, pleaders resort to needless elaborations of evidence or tiresome oratory. Even such devices fail, and the affable judge who sits at eleven is often obliged to rise at one, or to have a holiday, or, perhaps, an attack of lumbago alternately, in order to leave some remainder of business for to-morrow’s performance ; thus dangling on through the period of term, to the absolute repose of vacation, in a frame of mind akin to that of Boileau’s Bishop—

“ *C'est là que le prélat muni d'un déjeûner,  
Dormant d'un léger somme, attendait le diner.*”

Cases which in Westminster Hall would be

disposed of in twenty-four hours, extend for as many days in Dublin, to the exhaustion of long-suffering jurors, the despair of attendant witnesses ; and when through a death or resignation a seat on the Bench becomes vacant, the office is sometimes left unfilled as long as even Irish public opinion will tolerate.

The last vacancy in the Rolls Court, for instance, was treated in this high-handed official manner.

The Mastership of the Rolls became vacant in October, 1869, and no appointment was made until January, 1870. Simply, the office was left in abeyance through the entire of the ensuing (Michaelmas) Term, which commenced on 2nd November and ended on the 25th ; and even on through the greater part of the following Term (Hilary), which opened in January, 1870. It was far on in January before the new Master decided on supplying a link in the judicial system, by stepping into the pleasant sinecure of the Rolls, with its salary of four thousand pounds.

If the suffering public raised an outcry at this tardiness, its feeble voice made little noise.

It is not, however, from a desire to oblige influential individuals only, that gaps in the judicial chain are sometimes allowed to remain unfilled ; occasionally a passage of party in-

trigue also intervenes. For example: in the case of a promotion from the House of Commons to the Bench, the practice often is to defer nomination of the judge until another legal adherent has had leisure and opportunities to look after the seat which the elevation to the Bench creates; hence an indefinite period of delay. It requires time to intrigue with local attorneys or conciliate local ecclesiastics.

The Government is ever in want of a subservient constituency, a manageable seat, to which it can nominate some political servant who may have been discharged from parliament through vigour of the popular vote. It is rarely without specimens of an unfortunate class of public men to provide for; a converted patriot or partizan of some sort, who has fallen in popular esteem, who has either recanted openly, or come in for the vengeance of constituents, by a flagrant modification of the creed which he had originally professed. There is always some eminent public sinner whom the popular party has excluded from parliament, and whom the Government seeks to bring in there again. The Fenian agitations furnished many remarkable examples of this species of contest; and it is notorious that the rebel Brotherhood managed to ex-

clude more than one eminent personage from the coveted opportunities of a parliamentary career.

Before dismissing the subject of the judges, however, it may be well to refer to an objection which may fairly arise in unsophisticated or in uninformed minds.

By such it will doubtless be regarded as incredible that any minister would promote men to the judgment seat, whose chief claim to preferment may have been a palpable deficiency in principle, or in public conduct ; incredible that the Irish Bench should be in a large proportion composed of political renegades of one or other complexion. Such an immoral system of promotion would on the face of it be so unwise, and tend to bring the judicial office into such contempt, that the statement would be regarded as exaggerated. This is the objection which would arise in the mind of the average Englishman—in any unprejudiced mind.

In England a judge should be above suspicion ; his public character, both before and after elevation, should be competent to bear investigation. Yet in England a judge has none of the complex responsibilities which devolve on the Irish official.

The answer is, that in Ireland the judicial office is held in contempt, that paths to all

government positions are as a rule considered so impure, that the fact of any one, not to the manner born, being nominated to a high State appointment, amounts *per se* to admission of some political iniquity. The judges of the land are in fact regarded as merely successful speculators ; operators in politics, who less by professional ability and personal merit than by a doubtful but wide-awake career of intrigue, have succeeded in working themselves into eminence. It would not be difficult to sustain this impression by the evidence of facts—or by what is popularly accepted as such.\* For example : there are judges perhaps at this moment delivering customary assize lectures from the Bench—lectures replete with wisdom,

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\* What would be thought in London if *The Times* were to comment in the following strain on the proceedings of an English judge engaged in the duties of his circuit. Yet, while we write, it is the language in which a leading Dublin journal (*The Irish Times*) thinks fit to speak of the performance of an Irish judge similarly occupied :

“ Mr. Justice —— may rest assured that it is not by maudlin sentimentalities at Galway, nor by scurrilous vituperation of the Press at Fermanagh and elsewhere, that a Judge can recommend the dignity of his tribunal or the majesty of the law to the observant and unoblivious people of this country. Exhibitions such as the Irish public have been from time to time favoured with, have the inevitable effect of raising the question of the actor’s antecedents, and setting the spectators wondering by what curious process the seat of justice can have come to be thus filled. If it should appear that the Judge, thus conducting himself, was in

with morality, with loyalty, yet who had once addressed public assemblages in a different strain. Can they be so blind as to think that those whose ears receive their present exhortations, will not have memories wakeful enough to revert to earlier times, when the grave judicial personage of to-day was perhaps a platform performer, pandering openly to the appetites of a nomination mob, and quite heedless of the mischief which unscrupulous eloquence might operate in the minds of a crowd ?

A while since, a learned judge (himself a very distinguished demagogue in early days) delivered this admirable admonition from the Bench :

“ Men should be careful to see that their shoes

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his lawyer days but little known, that he derived a subsistence by labouring in an inferior capacity at that Press which he now maligns and insults ; that finding, in a disorganized and happily transient state of Irish society, an opportunity of profiting by the passions of an ignorant populace, he gained notoriety by uttering scarcely ambiguous suggestions respecting ‘the dark days and long nights of winter,’ surpassing all rival mob-orators in the profusion and solemnity of the oaths by which he bound himself to a cause that he subsequently betrayed—if it shall appear, moreover, that to these, the common means and appliances of the demagogue, he added a political alliance with a gang of bank adventurers—one of whom, and not the worst, expiated his offences by a suicide’s death—then it becomes as clear as noonday that exhibitions such as those of Monday, are full of evil consequences to the administration and moral efficacy of the law.”

" have no nails in them, before entering a powder magazine ; and it is the bounden duty of everyone who undertakes to lecture the people, first to ascertain what the passions of the people are, whether he be Curate, Parish Priest, Archdeacon, or Bishop,"—Queen's Counsel, Attorney-General, or Judge he might have added, for there are persons of high legal rank in Ireland who might take this lesson to themselves. Even the very moralist who delivered this excellent advice, had at one time so neglected to practise according to his sermon that early speeches of his were, because of their reckless and intemperate character, brought under notice of the House of Commons.

We have said that political offences, if sometimes apparently condoned, are rarely suffered to fade out of mind by the Irish ; from this retentiveness of memory it follows that less weight is attached to the utterances of a prominent man on public occasions, than to the character and personal antecedents of the speaker himself.

No need to tell the modern Irish that grapes do not grow upon thorns : a long experience of political deceptions has already impressed them with the truth of that sacred admonition, and about representative men that experience has made them very keen-scented. They can

instinctively detect whether it is from a vine or a dog-briar that they are presented with political fruit. Therefore the audience in a court of justice, instead of attending to the sermon of the presiding judge, will often begin perversely to remember all the past history of the moralist who preaches. They will recall the pre-official period of his career, when perhaps he was member of a Sadlier brass-band, or of some kindred ill-famed brotherhood or association. It will be discovered that at the gymnastic epoch of life, when trying to twist his person upon the Bench by the aid of every leverage, that he was all for Ireland, and her popular cause—for Tenant-Right and Repeal—that his public language upon past occasions had been both reckless and intemperate, but that it did not militate against his promotion or bar his progress to the Bench.

If the judge presiding at a political trial be one of this class, the Fenian in the dock will remember that he too had been guilty of the crime of patriotism, but got no penal servitude for it. Or the Castle informer in the witness-chair may console an evil conscience by imagining that the excellent judge had also committed public perjury in a political cause.

It is so hard to define in Ireland when patriotism becomes treason, or even, when estab-

lished as treason, to say how much of the luxury may be safely indulged in by a patriotic individual upon a particular occasion. Truly one man may steal a horse, while if another but glance at the hedge, the Royal Irish Constabulary are at once swooping down upon him.

At a petty sessions court in the county of Cork, a peasant was arraigned under the Peace Preservation Act for having on his person a collection of what were *sworn* to be seditious prints, viz.: portraits of Mr. Butt, of Father Lavelle, and of Father Mathew the apostle of temperance. The culprit was sent under an escort of police to Cork, but ultimately managed to escape penal servitude. On a public occasion the religious educational society of "Christian Brothers," were accused by a person of rank of teaching and fostering sedition because in their class-book was found Callinan's poem of *Gougane Barra*. That dangerous lyric embodies national sentiments. How if the judge before whom such literary trespassers were arraigned, happened to be some *ci-devant* nationalist, who perchance "had been lullabied in his cradle to the music of Moore's Melodies? or in tender infancy had imbibed the dark spirit of nationality through the tube of a sucking-bottle?" Will not the traversers in the dock recall the circumstance? Will not recol-

lection of that sucking-bottle impede the force of warnings against the vice of patriotism, or the danger of listening to the indiscreet metaphors of effervescent orators?



## THE WAVE OF PEACE.

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“ Find we a time for frighted peace to pant.”

“ BOTH Fenianism and Ribbonism, though “they may yet linger in Ireland, are rather “traditional than actively mischievous,” writes *The Times* in this month of March, 1872.

English journals have an aptitude for taking such views of Irish disaffection as happen at the moment to accord with British inclinations or prejudices. Even if the statement contained in this quotation were exact in every particular, it does not prove that the pacification of Ireland has been attained or is imminent. If the nationalistic assemblages of the past months have been apparently something less ardent than at the active Fenian period, it does not follow that the feeling which instigated these movements is less acute, or less dangerous, because temporarily compressed, or denied the usual safety valve of escape by the vent of “enthusiastic demonstrations.” If English journalists and statesmen merely require noisy or threatening exhibitions of popular sentiment to convince them of the existence of

Irish disaffection, that species of evidence can be supplied on the shortest notice.

It is, however, true that within a few years marked social changes have taken place amongst all classes of society in Ireland, changes which are especially evident amongst the humblest ranks.

Whether because of cheap travelling, and cheap literature, or of diffused education—whether increased material prosperity or the action of “national schools,” or the influence of the imported American spirit, has done it—or whether the effect derives from a combination of these causes—it is certain that the Irish agriculturist has undergone a ripening process, and stands at this moment a different being from what he was at the past potato period of Irish history.

He has become sensibly more difficult to manipulate either by “patriots” or by statesmen. Devices which have been long in vogue—deceptions which from time immemorial had been successfully practised by political adventurers of every class—are beginning to prove stale—to fail in their effect. In manners he has grown grave and reserved. He has lost the stooping carriage of the serf, become less cringing to social superiors, to the agent, the landlord, the police officer, even to the parish

priest, less submissive also to the unnatural privations and hardships which some of those superior classes often complacently considered as the natural and fitting concomitants of his existence. One by one he is losing all the characteristics of his ragged forefathers—or more correctly, those which in the English mind were traditionally supposed to belong to them. The capering Paddy of a London music hall is no longer even a sign-post portrait of the dark and taciturn Limerick or Tipperary cottier of modern times.

It is, however, in developed mental faculties that the peasant of to-day greatly differs from his starving forefathers.

Opportunities of education have been provided and he has availed himself of them. The penny press has done its silent work, he has learned to read, and devours those cheap and dangerous newspapers which, notwithstanding the Peace Preservation Act and the press censorship of the Lord Lieutenant, he obtains without difficulty. It is a luxury which he enjoys and revels in. This "national" literature is perhaps not always a wholesome diet ; of a peppery nature and highly spiced, it is especially flavoured to catch the singular peculiarities of his palate ; but it ranks as literature nevertheless, and has assisted in the

general diffusion of education—has developed the natural quickness of his faculties—assisted in raising him in the intellectual scale. At this moment the average Irish peasant is a better read man than his English equivalent, and far more intelligent, more capable of forming an opinion for himself on abstract questions of politics.

Politics indeed are his speciality—his forte ; he has been nurtured, reared, in their atmosphere ; has grown up quite as much a politician as an agriculturist. The stirring questions of the moment, which concern the Empire at large, belong to him in an intimate and personal manner. All the beneficent or remedial measures of the Gladstone era : the Church, the Coercion, and the Land Acts, the Education Bill, the Convents' Commission, the Westmeath Committee, etc., contain matters closely interwoven with his own life and interests, and discussions connected with them have forced on and developed his intelligence. He feels placed in a position of grave responsibility—posed in the strongest light—he is the central figure of a most interesting situation. The lease of his mountain farm—the education of his ragged and starving children—are problems which engage imperial attention, and rack the minds of states-

men, which still supply leaders in the London papers. His personal belongings—the details of his daily life—fix the attention of English-speaking communities on either side of the Atlantic. On either side of the Channel, he is the darling subject upon which political quacks love to experimentalise—the readiest opportunity for every notoriety-seeker to try a “‘prentice hand” upon. Not only professional politicians but honest men also have taken a turn out of him, and after discovering that neither the old persecuting penal code, nor blandishments of modern christianity, nor pressure of poverty, nor temptations of missionary soup kitchens, could entice him from the twin mysteries of Popery and Nationality, have at last agreed to let him alone altogether.

Philanthropists and religious societies begin also to recognize that they know as much of the higher wants of the Irish peasantry as the well-disposed old ladies of Exeter Hall do about the African negro, for whose spiritual benefit they lavish not only christian sympathies, but even their christian ducats.

In addition to cockney philanthropists, amateur statesmen, and pious old British ladies, even illustrious ministers of marked ability, of undoubted genius, begin to perceive that they are as ignorant of the national feelings and

strange sympathies of Irishmen, as of the politics of Japan.

The Irish enigma is visibly becoming more of a puzzle than ever: it seems as if fate forbids that English statesmen shall succeed in getting into the mystery; the more they learn the less they appear to know. The proverbial "danger of a little learning" is here forcibly exemplified; yet those who drink deeper of the sacred spring are not in any better position. It would seem that freer draughts of Irish knowledge quite bewilder the student, intoxicate rather than refresh, and merely add to the intricacies of the subject. For instance: Mr. C. Fortescue, the late Chief-Secretary, when supporting the motion for the "Westmeath Committee," assured the House that "he knew Ireland well," and was naturally fortified in his advocacy of the measure by a profound knowledge of the subject. Yet Lord Hartington, the actual Chief-Secretary, when introducing the same motion, apologized for an absolute ignorance of the country which a *bizarre* fate had handed over to his control. He did so distinctly. Here is the language which his lordship thought fit to utter when moving for a select and secret committee in the Commons. It is not possible to imagine a

declaration in every way more free from the sin of oratorical artifice.

“I can hardly undertake to describe the “feeling of painful dismay with which I under-“take the task that is before me, *for in addition* “*to the inexperience and want of acquaintance* “*with Irish affairs which I labour under*, I “have to approach that very difficult and “painful task which has perplexed English “statesmen for many years,”\* etc.

Perhaps Lord Hartington's previous administrative successes as first head of the Government Telegraphic Department recommended him for the governorship of a country which has perplexed generations of ministers to rule? Now, however, that the statesmanship of his lordship has been practically exhibited, it is plain that those feelings of dismay which oppressed him on entering office were well grounded. Although so very candid a declaration was a surprise, it is evident now that his lordship did not either exaggerate his ignorance, or in any degree overstate his incapacity. However, both the well-informed Mr. Fortescue and the ignorant Lord Hartington stand equally on the same level of complacent impotency with regard to the Irish problem. The Chief Secretary's ingenuous admission of

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\* Vide *Daily News*, Lord Hartington's Speech.

ignorance when constructing a dangerous legislative instrument, is equivalent to urging ignorance of combustibles as a qualification for manufacturing a bombshell. Yet having relieved his conscience by this simple confession, and disarmed criticism by such exceeding candour, the Chief Secretary went into a whimsical justification of the extreme severity of the measure which he advocated.

The Peace Preservation Act, he explained, had not proved stringent enough. It was found that the majority of those persons who had been arrested under its powers for being out at night, were able to show that they had the excuse of lawful business for being out, and so could not be meddled with—

“The police have arrested numerous persons under the provisions of the act of last year, for being out at night under suspicious circumstances, but in very few instances have the magistrates been able to inflict a penalty, for the men arrested have always been provided with a reasonable and lawful excuse for being where they were found.”\*

Therefore the “Life and Property Act” must be passed. The logical sequence of this is not derived from a justice in an after-piece. It is not a Dogberry, but the actual Irish Secretary,

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\* Lord Hartington’s Speech.

who explains that because unhappy peasants may have lawful business for being out after dark, an act must be passed in order to prevent them from proving that they have such an excuse or justification. Truly the logic of Lord Hartington seems equal to his discretion ; and both on a par with his knowledge of those intricate Irish affairs which he has so hardily undertaken to administer. Perhaps his acquaintance with Irish history is of equal depth ; he may not have heard of his predecessors in Dublin Castle—their Lordships Castle-reagh and Cornwallis—and of the gentlemen who governed the country under them ; but even these energetic legislators never ventured to press for coercive measures, because existing laws were so lax as not to interfere with the liberties of innocent people out upon their lawful business.

What wonder that innocent people should hurry out of the doomed county of Westmeath ; but they are also hurrying out of the country at large at a rate which bids fair to exceed all previous statistics of emigration. The “two years’” policy of the Cabinet has certainly not opposed a check to emigration—perhaps it was not intended that it should. At all events, none of the great liberal measures have had the effect which English opinion

fairly looked for. From the legislative point of view they have been failures—all unsuccessful.

The Church Act has generated no fresh warmth of loyalty to the Crown on the part of even the Roman Catholics, while it has apparently alienated many sections of Protestants.

The Land Act has been especially protested against by the very class for whose presumed benefit it was created.

The Peace Preservation Act has merely diffused a deep feeling of animosity amongst certain ranks of the population, and as a preventive of agrarian crime is condemned by the very act of the Cabinet. The fact of supplementing it by the Life and Property Act plainly confesses its inefficacy.

*The Times*, however, claims for this last act the credit of having produced a happy change in the sister island. Yet, the Lord Chief Justice of Ireland, whom *The Times* quotes as an authority, is of a different opinion. While presiding at a murder case in the King's county during this spring assizes, his lordship candidly declared "that there existed in the country "a conspiracy which could accomplish its purpose whenever it pleased," and this notwithstanding the existence of exceptional legislation.

Whatever be the prospects of permanent peace in Ireland, it is plain, even from the English point of view, that the policy of pseudo-conciliation has as yet produced none of the results which were expected. The advent of the experiment, let it be remembered, was first heralded by fresh outbursts of agrarian crime, by daring importations of arms, by a Fenian revival, and this so suddenly that the conjurors in Downing-street stood fairly aghast at it.

The spell which, under the wand of our liberal Prospero, was to have wrought such wonders in the enchanted island—to have quelled the tempest—laid for ever the traditional phantoms of bloodshed and insurrection—seemed somehow then to have worked awry; instead of inviting peace, to have wrought fresh confusion, giving renewed stimulus to all sorts of wakeful devilries, so that the Westmeath Acts became necessary, and now that they are in operation a beneficent change is happily the result.

*The Times* declares it. That which neither the Church nor Land Acts could accomplish, has been achieved by the agency of the two coercive measures. The Peace Preservation and Life and Property Acts have already, during their short term of trial, conferred bene-

fits upon the country which measures of another character failed to produce.

The moral of this is obvious. The only application proper for the Irish disease is evidently a policy of coercion, and therefore those stringent precautions actually in force must continue to exercise their tranquillising influence.

It is no answer to object that such a method of Irish legislation is neither new nor original, that it had been tried before, and failed notwithstanding an energetic and thorough application. However, times are now changed or are changing so rapidly, that the tide of emigration may have borne away most of those turbulent and disaffected classes who had formerly replied to the application of coercive remedies by an armed rebellion. No danger of having '98 acted over again; even if there were, such a likelihood appears to be further removed than it looked twelve months since. Let us enjoy the unexpected interval of peace, even if unhappily it should prove to be but an interval !

It is true that an apparent calm reigns in Ireland at this moment.

Landlords have not been shot there in anything like reasonable quantities for the past few months. The constabulary are at the "stand at ease." The police officer yawns in his village quarters, exclaiming upon this quiet

life, like Hotspur, "Faugh." The Fenians have gone into their holes. Home Rule is yet but a spectre in the police sense: for them it has no substance—they can't lay hands upon it. It is not ripe enough yet, not fit to be "taken up."

The beneficent effects of emigration are being acutely appreciated by farmers who cannot find labourers for the spring work. Everything, in fine, is so prosperous on the surface, that if the fair weather hold awhile, some timorous optimist will be found to re-echo the declaration of *The Times*, to stammer out the loyal "peace and prosperity" toast at a Vice-regal banquet, to declare that the country has become not only calm, but contented, that the crops are evidently improving, and that a Royal Viceroy or a Royal Residence is all Ireland demands. Wait!

It is not so many months back since something like all this was said.

A general peace was then proclaimed throughout the country. The Lord Lieutenant had it on the best provincial authority that not a mouse stirred in any corner of Ireland. This was a compliment to his statesmanship—obviously the fruit of his beneficent and intelligent rule. Naturally His Excellency was pleased, and being assured of an excellent reception, of welcome at least, if not of a popular

ovation, went down to the provinces to witness for himself. It was a mission of peace, and he, "The Messenger of Peace" was the fittest herald to send forth.

He went ; this mild Viceregal dove issued from the ark of Dublin Castle, and plumed his simple wings for an official flight through the provinces. He went out to see, and must have been gratified by the spectacle. He saw troops and militia arrayed at many depots. He reviewed them solemnly amidst the sullen brows and stony looks of sneering bystanders. Even the militia did not welcome him. The ill-mannered untrained rascals did not know how to start a Viceregal cheer. The crowds—rather the few stragglers—in the street of a provincial town turned away from the Viceregal cortege—not a head uncovered. Whether as the representative of her Majesty or a popularity commissioner from Mr. Gladstone, Lord Spencer's reception was equally cold and cutting.

His Excellency must have returned to the Castle convinced that the Irish were the least demonstrative of people. Being a Viceroy, he probably adhered to that impression especially as it was a false one.

However, opportunities of being undeceived were quickly provided. Following this official tour, some members of the Royal Family visited

Dublin, and the people suddenly become most demonstrative ; the Princes were hissed in the streets with a vehemence which only the deaf special correspondents of London newspapers could not hear.

The Cardinal shakes hands with the Prince of Wales upon this occasion, and is forthwith pasquinaded by the national press. As if to exhibit the lions of the metropolis to the royal party, a special "Amnesty demonstration" is got up under the windows of the Viceregal Lodge, and Lord Hartington, anxious to extend his experiences of Irish character, bludgeoned it down as an experiment.

Hot upon this exploit the "French Deputation" arrives in Dublin. As a complimentary picture to the royal visit, to the silent Viceregal tour, the French Deputation presented an opportunity which was eagerly seized upon. A stinging national sarcasm was conveyed by the universal hospitality with which the representatives of a foreign government were made welcome.

From sea to sea the island rang with acclamations in favor of the French.

A fervid Celtic orator, commenting upon the event, declared that the cheering of those provincial crowds might have been heard in New York.

This was probably an exaggeration ; but it would be impossible to exaggerate the importance of the lesson which the country was giving to the government at the time.

The next instructive political feature—the next link in the chain—was supplied by the Limerick Election and the return of Mr. Butt, supplemented by kindred popular victories in the two Meath contests, to be followed again by—last most significant event of all—the Kerry Election, with its miraculous result.

Here the Roman Catholic Bishop and the landlords, Protestant and Catholic, joined hands in a political mixed marriage of the strangest character. As immediate fruit of this union, a political pastoral issues in the interest of the government candidate. The bishop employs his spiritual power to devise coercive measures against recalcitrant members of his clergy. They are warned off the hustings under pain of suspension. Mr. Dease is invested with a representative, almost with a spiritual, character. The protectorate of his bishop, the cousinship of Lord Kenmare, hang about him like a sacred essence. He is the august champion of episcopal influence, and of the local prerogative of a noble house ; the author, moreover, of an article in *The Edinburgh Review*. These were avowedly his per-

sonal claims, both to parliamentary honors and to individual distinction.

His political claims, however, were more evident.

He was singular as being the first Catholic and liberal who had ventured to issue an address distinctly antagonistic to the present popular movement. He appeared as champion of government and of legitimacy combined—the St. George commissioned to engage the dragon of democracy in open fight—to stem the tide of modern revolutionary agitation—to stem or else to divert its course: Mr. Dease, the Edinburgh reviewer, was the fork with which to stop the Atlantic.

The breakwater, however, proved insufficient—the Atlantic triumphed in the struggle.

The rude waters came in, swallowing up not only the instrument, but the forces which were applying it also: both the anointed representative and the phalanx of his abettors were broken—swept out of sight in ruin and havoc by the current, a mass of impotency and confusion.

As a fact, notwithstanding remedial measures, the Church and Land Acts, the release of the majority of the Fenians, the twin conciliatory severities of Westmeath; notwithstanding, either, the *douce* governmental attitude of

certain venerable personages, there prevails a more active form of dislike to the English connection now than existed before the Church Act was dreamt of, or Fenianism had exploded, or Mr. Gladstone first began to feel his conscience oppressed by the influence and crude suggestions of his peculiarly "Irish ideas."

These legislative experiments have proved abortive, nevertheless the instruction which the failure of them conveys is of great value.

Plainly there must be again a recasting of the parts—another reconstruction of policy—in making further attempts at successful Irish legislation.

The problem is, for an English minister to wind into that Rosamond's bower, the confidence of the Irish nation; and neither Mr. Gladstone, nor Mr. Fortescue, nor even Lord Hartington, has yet struck upon the thread of the labyrinth. Irish sympathies remain frozen up. The popular party maintains its stand-off insurrectionary attitude, and refuses to unbend at ministerial or official overtures. Fresh grievances still crop up. Complaints are not stifled. In fine, the Irish difficulty stands out in the spring of the year 1872—broad, bony, incomprehensible, ugly, unmanageable as ever.

In a word, if the Cabinet has not already

failed in its regenerative policy, it is fast running into confusion, and no progress can be hoped for unless the country itself consents to share the responsible work. It may be pleasant to have an administration always to abuse, but all the sins or mistakes of modern times are not to be laid at the door of Government only. If Irish nationalists intend their grievances to be comprehended by the Imperial Parliament, they must elect gentlemen more competent to make these clear than is the actual array of Irish representatives. Englishmen, indeed, may be fairly excused for not coinciding with views which they do not understand; and if they are ever to understand them, the Irish will have to make *main basse* upon the old class of their representatives.

If the parliamentary representation be not radically remodelled, it would be better for Irish interests that it were abolished altogether.

We do not say this with special reference to the vicious lawyer element, which has most contributed to degrade the political character of the Irish member; for the legal faction will probably be eliminated from the parliamentary returns of the future.

The profession has indeed over-farmed the various constituencies. Too many exhaustive crops have been raised from the same prolific

patriotic sod, and the over-tilled electioneering fields, now lawyer-sick, will not afford soil for saplings of the legal species to strike root. For the future, all lawyers will probably be warned off platforms where the popular party musters in any force. They will be swept into such out-of-the-way corners as insignificant pocket boroughs, the mere property of a nominator or of "the Castle." But if the lawyer be abolished—if the barristerial weed be rooted up and cast aside, the puzzle remains to find a wholesome vegetable with which to stock the land in its place. The average ex-professional member is not such a plant ; it would not be desirable to multiply his species by any process of propagation, nor mend matters merely to lop off the long-robed abuse, and add to the heterogeneous array which now crosses the channel to advocate the complex wants of this perplexing country.

A few individual exceptions apart, the Irish Memberhood presents in truth a poor muster-roll.

Since the corruption of "the Union" first entered his soul, the Irish Member has dwindled in intellect, in capacity, in political character, with a measured regularity of descent. Yet never has he stood before the world in an attitude, perhaps, of greater humiliation than at

this critical period of his country's history. We write this in no flippant spirit, but soberly and with regret.

Was the influence of the Irish Member apparent in any way when the victory of the Church Act was achieved? What individual of the Irish representation, or what group of individuals chosen from its ranks, came forth with strength upon that occasion—their own especial one? What leader of real stature made his genius felt upon a subject so well fitted to bring out the best of a foremost man? Who was it impressed the House of Commons, invaded the anti-Papal and anti-Celtic prejudices of English squires, or, inspired by patriotism and a great theme—inflamed with genuine fire, awakened by his eloquence an irresistible response in the cold breasts of an English Protestant auditory? Who can say that the Irish vote was even a recognised force in winning that measure of justice and of common sense which was first devised and introduced by Englishmen only—and prosecuted in detail from an English liberal point of view, that is, for Protestant dissenting ends.

The Church Act would have passed into law, even though no Irishman had given a vote or made a speech in its favour. English opinion was ripe for the concession, and the Church Act

did in fact pass into law without having invented in its progress a single Irish representative who made an exhibition of ability, or even of earnestness worthy of the occasion. No man of genius appeared—not on the ministerial side at least. Setting genius apart, no valorous mediocrity even was found to come forward with the Irish standard at so momentous a crisis. Strange, that for national honor sake, somebody did not exhibit even manliness then—that some individual of the race did not struggle to the front, and not leave the great Catholic and Irish victory of the century to be won by the energy of Englishmen, and by the eloquence of Protestants.

Upon the next distinctive measure—the Land Act—there was a manifestation of the Irish influence, of earnestness, of determination, and of apparent patriotism; but perversely these respectable forces assumed an adverse attitude—were even arrayed in hostile opposition to the scheme.

The nationalist members disapproved of Mr. Gladstone's measure, and if the “Irish vote” had been competent to decide, the Land Bill would have perished.

The Amnesty petition was first refused, in direct contempt of the opinion of the Irish

Members, and then acceded to without consulting them at all.

The Convent Commission, Peace Preservation Act, and Westmeath Committee, and the acts which derived from these committees, were severally passed by Government in the same Anglo-dominant spirit.

If the Western Island has lost her native parliament, she often enjoys an opportunity of taking vengeance on the stronger nation for robbery of her liberties, of making England regret those intrigues which ended with the incorporation of the Commons of Ireland into the Imperial legislature. There is exquisite retaliation in freely using her prerogative to commission anybody thus to become a British legislator on easy terms; and in the execution of this "wild justice of revenge," she must rejoice at seeing the Saxon enemy change color at those singular representative specimens, which in a succession of legislative donations, she keeps supplying to the House of Commons.

However, under the action of this system of revenge, the quality of the Irish Member has so visibly declined that he is at this moment without influence.

He has lost prestige so extremely that perhaps it would be better both for the country and for himself if he were in addition to lose

his identity also—to agree to abolish himself, to disappear from the parliamentary stage altogether, rather than consent to remain the abject, insignificant thing, which under the action of evil influences he has become.

He derives of famous parliamentary stock, and fills an office suggestive of distinguished legislative endowments—one always associated with culture, forensic ability, and genuine eloquence—often with political earnestness, self-devotion, and patriotism. If he but reflects, a rush of inspiring memories flood in upon his senses ; illustrious names lighten before his fancy. No wonder if his pulse should quicken with the pride of race. Let him have any knowledge of the representative public men which his country has produced, and if he does not blush at the intellectual mediocrity and torpid action which characterises the array of parliamentary representatives, 'tis because he has lost the faculty of shame for political disgrace. Then he will not understand how the actual decadence should be as intolerable to himself as it is already in the eyes of the world discreditable,— that he is bound by an illustrious descent either to abdicate altogether, or become a less unworthy representative of a great ancestry.

Perhaps at no period of parliamentary history

should this conviction impress him with greater force than at present. Never did he present a more melancholy appearance, in a representative sense, than at this moment. Even at the “independent opposition” time he remained in one sense a power, worked under a certain sort of discipline, formed part of a compact body, so that the pressure of his influence was often a subject of ministerial calculation, and was dreaded at the crisis of a tight division—at least it was so until the Keoghs and Sadleirs came upon the scene, and with their intrigues to demoralize and destroy the famous “Brass Band,” poisoned the public conscience.

Since then the Irish Member has lost all identity—has ceased to have a party—is no longer a power either for good or evil. When not in a position of impotent opposition, he usually declines to the lowest state of the Government menial, and like all worn-out serving men, is finding it every day harder to obtain hire of any sort; for he does not stand in good repute, and his appearance about the House is not considered desirable; it confers no credit on the establishment. He is really not wanted in the House of Commons, and consequently stifles in its atmosphere. He feels himself to be an interloper there, and

the *English accent* is overpowering. If upon occasions venturing timidly to intrude upon great debates, he is listened to either with insulting compassion, or rewarded by the opposition or jealous sneers of his kindred representatives.

Let us hope, however, that a good time is in store for him also—that the hour of his political rehabilitation is not far distant.

As the Government has an apparent vocation for affording redress to every form of Irish grievance and complaint, perhaps in the interests of the country and in its own, it will not overlook this pressing and melancholy case.

Let us hope that when the ghost of the land question shall be finally laid, and the condition of the peasant so improved that the benevolent genius of philanthropic statesmen cannot provide or invent anything further to his advantage—when the incessant Celtic wail shall be heard no more, and in Mr. Bright's sounding phrase, “under the operation of just laws, justly administered,” the Meath ribbonman shall be metamorphosed into a contented British yeoman, with strong English attachments—when the blunderbuss shall have become obsolete in the Golden Vale, and the typical land agent have disappeared—when the barrister shall be content to mind his busi-

ness merely like other professional men, and retire from the business of farming constituencies—when the embers of rebellion shall be finally dispersed, and Americanism shall no longer allure, nor Fenianism invite—when, at the close of the pantomime, the curtain of national prosperity shall descend upon the Fenian and the Orangeman locked in a mutual embrace—then perhaps ministers and constituencies likewise will combine to do something for that political outcast, the average Irish Member of Parliament. If not a most deserving, he stands in his actual plight a pitiable object of charity, and if merely on the plea of humanity, petitions for the succour of a ministerial, at all events of a compassionate hand.







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